

GILBERT CHRIS RUSSELL MITCHELL

MEMOIRS AND MEMORIALS

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392

To

Miram Price Dillon.....

.....
with the compliments of

JOSEPHINE MITCHELL McCULLOUGH AND
ELIZABETH McCULLOUGH BRAY.

Davenport, Iowa,
January 15, 1916.



This volume is very properly dedicated to the
PIONEER SETTLERS' ASSOCIATION
OF SCOTT COUNTY, IOWA,
as G. C. R. Mitchell was one of its founders.







G. L. N. Mitchell

Judge G. C. R. Mitchell.

Memoirs and Memorials.

Consisting of copies of
letters and papers and connecting narrative collected
and arranged by his granddaughter
Elizabeth McCullough Bray.

Published by his daughter
Josephine Mitchell McCullough.



1915.
Fidlar & Chambers, Printers,
Davenport, Iowa.



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Judge G. C. R. Mitchell.



Judge G. C. R. Mitchell.

Memoirs and Memorials.

CHAPTER I.

AN INTRODUCTORY WORD—BIRTH, PARENTAGE, AND ANCESTRY
—CONNECTION WITH THE FAMILY OF GENERAL JOHN SEVIER—
SCHOOL DAYS—LETTER TO G. C. R. MITCHELL, 1818.

Considering that the story of most lives is written in the sands, and that usually the waters of forgetfulness close all too briefly over even a brilliant and beautiful life, it is rather exceptional to find it possible to make a record, in any sense complete, of a life which ended half a century ago (1865). The most quoted biography of Judge Mitchell was written in 1858, during his lifetime, by Franc B. Wilkie, in "Davenport, Past and Present." Material for the biography is so scattered and fragmentary that at times the feeling of elusiveness that comes with the passing of years is very keen. There could be found no letter written by Judge Mitchell, though there are various other documents extant in his handwriting. The nearest we can come to anything like an intimate and personal knowledge of him is through the memories of the few left who knew him, and through some of the letters written to him. The value of these letters, however, from a biographical standpoint, should not be over-estimated, as letters almost invariably reflect the personality of the writer rather than that of the one to whom they are written. They are nevertheless included in this work. Those written by Nathaniel Mitchell, the father of Judge Mitchell, are prized for their own sake, for the descendants of Judge Mitchell find interesting also the figure of their ancestor, Nathaniel Mitchell. To the few now living who

remember Judge Mitchell, he stands out vividly and with great distinction. The letters written to him in his younger days show that, even then, he was held in great affection and regard. He is rather a remote figure to his daughter, Mrs. William J. McCullough, who is the only child of his now living, as he died in her early childhood. His name, however, is written imperishably in the history of Davenport and Scott County. So long as that history is remembered will the name of Judge Mitchell be held in honor.

Gilbert Chris Russell Mitchell was born in Dandridge, Jefferson County, East Tennessee, December 26, 1803. His parents were Nathaniel and Ann Rhea Mitchell. Nathaniel Mitchell was born in Albermarle County (now Nelson), Virginia, in 1778. He was a veteran of the war of 1812, having been a colonel in militia.

G. C. R. Mitchell's mother, Mrs. Ann Rhea Mitchell, was born in New River County, Virginia, in 1783. She was the youngest daughter of Archibald Rhea. In 1787 the family removed to Tennessee to the famous "Holston country," where they lived below the junction of the Holston and French Broad Rivers, one mile above Knoxville. This place is indicated in old maps of Tennessee as "Rhea's Fort." It was in Knox County that Ann Rhea, at the age of seventeen, was married to Nathaniel Mitchell.

Archibald Rhea, the father of Ann Rhea Mitchell, as well as his brothers, Robert and William, served in the French and Indian War, the records showing that they were paid for their services by an act passed during the September Assembly of 1758, for "the defense of the frontiers of this colony, and other purposes therein mentioned." Archibald Rhea was also a member of Robert Doack's Company of Militia, June 2, 1774, as a private. The manuscript containing the company roll is in the Draper Collection of the Wisconsin Historical Society, and is known as 30,034.

Family tradition offers a daring and romantic story of the "original Rhea." He was a kinsman of Archibald Campbell,

ninth Duke of Argyll. His real name was Matthew Campbell, and he was known as "the rebel." The two were engaged in many of the wars which occurred in Scotland. During the Monmouth Rebellion both were captured, and Matthew Campbell was sentenced to life imprisonment in Peel Castle, Isle of Man. Fire and sword were preached against his family. He escaped to Ireland where he changed his name to "Reha"—or "Rhea" as it was afterward spelled.

Genealogists in general agree that about the middle of the thirteenth century the Rhea family left Ireland for Scotland. The name was spelt in various ways. The racial element in the clan was strong, as is shown by their occupation of the Highlands region, back from the coast, where they formed a sturdy, independent Presbyterian population. In M. A. Lower's "Family Names of the United Kingdom," an unquestioned authority, the name in one of its forms is thus interpreted: "Mac Rae is the ancient Highland name, signifying the son of Rae or Rath, 'the fortunate one.'" This is said to be the most unmixed race in the Highlands, the name Mac Rae meaning the handsomest. They were the most athletic men beyond the Grampians.

The name of Rea is found in the earliest history of some of the Virginia counties. Members of the family were remarkable for attaining influence and honor wherever they lived. Oliver Taylor in "Historic Sullivan" gives data regarding those of the name identified with the early history of Tennessee. All were Presbyterians of the Covenanter type. Many of the name have attained distinction as congressmen, lawyers, judges, physicians, clergymen, and writers. John Rhea fought at the battles of Brandywine and King's Mountain. The trend toward Presbyterianism was and is yet strong in various branches of the family. Judge Mitchell's mother, Mrs. Ann Rhea Mitchell, was a devoted Presbyterian, and was one of the organizers of the First Presbyterian Church in Davenport, Iowa, where she lived with her

husband and son in her later years. In the church records she is mentioned as "a mother in Israel," and when disbanding was suggested she staunchly asserted she would "stand by the church while there was a shingle left."

The names of Gilbert Christian and Major Andrew Russell are combined in the Cowan family in the same way as in Gilbert Chris Russell Mitchell's name, which is an interesting coincidence, though Judge Mitchell's children understood that "Chris Russell" was a friend.

Mrs. Ann Rhea Mitchell's brother, Archibald, who married Catharine Campbell, the widowed daughter of General John Sevier and his second wife, Mrs. Catharine Sherrill Sevier, removed to Tuscumbia in 1830 with his wife and a sister, Margaret Rhea, later the wife of Colonel Clayton. His daughter, Anna Rhea, named for his sister, Mrs. Mitchell, was a young lady of great beauty, who became the wife of Thomas Merrill. A sister of Mrs. Mitchell, Jane Rhea, married Dr. Samuel Sevier, son of General and Mrs. Sevier. It was at their home that General Sevier's widow spent her declining years. These two marriages between the Rhea and Sevier families bound by double ties the family to which Mrs. Mitchell belonged to the family of as remarkable a figure as there is in American history.

During the Revolution the men living over the mountains were cut off from most of the conflict. Under the leadership, however, of General John Sevier, they crossed the Alleghanies, and the "tall Watauga boys," as they were known, fought the battle of King's Mountain, which the careful student of American history knows was the real turning point in the Revolution. General Sevier is described as the "Nolichucky Jack" of the border; the Nemesis of old Oconostota (king of the Cherokees); the most renowned of Indian fighters; the hero of thirty-five battles, every one of which was a victory. He was chosen governor of the state of Franklin, which existed for about four years after the Revolution, and to

which the ordinary text-books of American history do not give sufficient attention. John Sevier was six times the unanimous choice for governor of Tennessee, and was thrice a congressman, being the first representative in congress from the Mississippi Valley. His ancestors lived at the town of Xavier in the French Pyrenees, and were kin to St. Francis Xavier. As Huguenots they were obliged to flee from France at the time of the Revocation of the Edict of Nantes. They settled in London, where the name of "Xavier" was anglicized into "Sevier."

The story of John Sevier is the story of early Tennessee, where Judge Mitchell was born and spent his early years. Such were the tales that fired his young imagination, coming closer home to him than would have been the case had the Rhea family not been so closely related to the Sevier family as they were. Three books by James R. Gilmore (Edmund Kirke), "The Rear-Guard of the Revolution," "John Sevier as a Commonwealth Builder," and "The Advance Guard of Western Civilization" give a very complete history of early Tennessee, devoting much attention to General John Sevier. Descendants of the Mitchell and Rhea families still live in Alabama, Tennessee, Indiana, Missouri, and Iowa.

The following quaint verse summarizes the characteristics of the colonists of this locality:

"The RAYS (RHEAS) and Russells coopers are,
The knowing Folgers, lazy,
A lying Coleman very rare,
And scarcely a learned Hussey.
The Coffins noisy, fractious, loud,
The silent Gardners plodding,
The MITCHELLS good,
The Bakers proud,
The Macys eat the pudding.
The Lovetts stalwart, brave, and stern,
The Starbucks wild and vain,
The Quakers steady and mild,

The Swains sea-faring men,
And the jolly Worths go sailing to the wind."

It was among the "over-mountain people" that G. C. R. Mitchell spent his boyhood and early manhood. We know that the men of that generation in Virginia are considered representative of the best type in the world. This was consequently true, also, of those in Tennessee, as they came with few exceptions from Virginia. We know they were broad of shoulder, giants in stature, brave, and true of heart, but it is surprising to find that almost before the echo of the Indian war-cry had died away, it was possible for a boy to be as finely educated as was Gilbert Mitchell. As a child he was singularly beautiful. His colored "mammy," when brought north in later years, could hardly believe that the tall man, whom everyone called "Judge," was her "pretty boy." His health was never rugged, and he was most carefully nurtured. During these early years he was laying the foundations for his varied mental attainments. He was thoroughly schooled in all the branches of a general education, including the classics, and was familiar with four languages besides his own, French, German, Greek, and Latin. He played several musical instruments for relaxation. Though at that time most men gained a livelihood by toiling with their hands, Gilbert Mitchell was not thus trained. It is said that in manhood he could scarcely drive a nail. His training in manners was in accordance with the best traditions of the south. All who knew him were unanimous in declaring he had "the courtliest manners of anyone they ever met."

For a time the family lived in Russellville, Alabama. There is only one document extant, written in those earlier years, and it is remarkable that even the one is still in existence, considering it was written nearly one hundred years ago and was not preserved because of any special import. This is a letter written by



*Ann Rhea Mitchell,
Mother of G. C. R. Mitchell, from a Daguerreotype.*





Nathaniel Mitchell to his young son, then a boy of fifteen, at school in Knoxville.

The reference to the needs of the people in this letter gives some indication of conditions of that time, which seem difficult and primitive in the light of the present easier and more luxurious period. The manner of expression of the writer is terse and strong, which is characteristic of all his letters included in this work. The injunction of the father regarding attentiveness to studies shows that an appreciation of education was inculcated into Gilbert Mitchell in his early youth. The reference to a fall from his horse shows that the lad possessed daring and spirit. The letter follows:

TO G. C. R. MITCHELL, KNOXVILLE, FROM NATHANIEL MITCHELL.

"MARATHON, ALABAMA, November 12, 1818.

"We are both well. The people are well in general this fall, but here flour, salt, and good cornmeal are badly needed. If you see any boats tell them to come on with those articles. Plank is badly wanted, too. This town has been platted and sold. I bought one lot for six hundred dollars. I also joined a company that bought three hundred and five lots. If you see your uncle, S. Houston, tell him to do the best he can about selling my horse. Perhaps I shall come up to see you this winter. Write to me as often as you have a chance, study well, and be a good boy. I did not tell your mother of your fall from the horse, but I do not wish to hear of your riding so hard again. Give my respects to all our friends."

CHAPTER II.

COLLEGE DAYS—ESSAYS.

G. C. R. Mitchell completed his education at East Tennessee College, now the University of Tennessee, graduating in the fall of 1822. The curriculum was highly academic, and many of the early graduates became prominent as lawyers, judges, congressmen, and in diplomatic life. In an historical review of the University the statement is made that at that time it was possible for only the sons of rich men to be educated there. Whatever had previously been the financial condition of Nathaniel Mitchell, we know from his letters that at the time his son was in college he was not a wealthy man. Of course, conditions of that period cannot be gauged by modern standards, and at best there was little money in circulation. We have every reason to believe that Gilbert Mitchell was an earnest student, for the high order of his mental attainments in manhood prove that. The advantage of college training at that time was even greater than now, for self-education was then rather more unattainable, and learning was confined to the few rather than widely diffused as now. It is rather a splendid thing that a fine mind, such as Gilbert Mitchell possessed, could have received such exceptional training in that day and age.

Some of the speeches which G. C. R. Mitchell delivered at college are extant, just as he wrote them in a blank-book. They are well worthy of perusal, showing a marked difference from the present in habits of thought, while giving evidence that principles of justice and honor cannot vary. The first of these essays, "Has the discovery of America been beneficial to mankind?" seems at first glance a question, the answer to which is obvious. The serious resultant evils mentioned are the treatment of the Indians and the slave-trade, both matters of vital importance at that

period, and both great enough problems to make the question a pertinent one. G. C. R. Mitchell's views of the slave-trade are especially worthy of note as those of a Southerner. The advantages mentioned of America's discovery are such as might be expected. The concluding sentence of this essay shows that even then the young man was looking expectantly westward.

It seems hardly possible that the subject of the next essay, "Ought infidels to be excluded by law from office?" could have been seriously discussed less than a century ago. Mr. Mitchell took the only view that now seems sane and reasonable, that "no particular class should be deprived of their rights and a due participation in the concerns of government upon the ground of religious principles." He defends this viewpoint with energy, which indicates that there were those among his listeners who thought otherwise. The speech "On the Indian character" is a vigorous indictment of the American nation for the treatment the natives had received at the hands of the whites. This is a most interesting paper, giving evidence, as it does, that the Indian question was a present and vital one. The last speech "On Military Glory" is dated October 5, 1822, about the time of Mr. Mitchell's graduation. The country was still ringing with heroic utterances, echoing the war-period of the Revolution and 1812. One sentence, "I think we should not be running too far in the region of speculation to say we have reason to believe that if ever this government is subverted, it will be by some popular military commander," offers its own proof of changed conditions. The principal value of these essays, aside from their biographical interest, lies in their historical significance. They are all characterized by a remarkable command of language and clearness of thought, qualities that later proved of good stead in the law practice of their writer. He wrote verses, also, but whether at this period or later we cannot say. The speeches follow:

"HAS THE DISCOVERY OF AMERICA BEEN BENEFICIAL TO
MANKIND (1820) ?

"The question I have chosen for this occasion affords a variety of arguments on both sides, and offers a very pleasing and interesting subject of inquiry. It is 'Has the discovery of America been beneficial to mankind?' and in discussing the question I shall endeavor to point out a few of the arguments advanced on both sides. One of the evils resulting from the discovery of America is the cruelty which was exercised toward the natives by the first European settlers, who having received information of the vast treasures which America contained, turned their whole attention to getting possession of them without regarding the injustice of the means by which they were to be obtained. Thousands of the natives were inhumanly slaughtered or driven from the possessions which were theirs by every right of nature, and many tribes have in consequence become extinct both in North and South America. Another evil resulting from the discovery of America is the introduction of the slave-trade. What enormities have been committed in this disgraceful and odious traffic, and what outrages are still perpetrated on human beings born as free as those by whom they are thus barbarously treated! Their villages are surrounded by ambuscade, their houses set on fire at night, and the inhabitants while rushing forth to avoid the flames are seized and embarked on board of ships ready to convey them to a foreign land. Torn from all they hold dear, and tortured with the thoughts of spending their remaining days in a state of slavery, they look back with longing eyes upon the land which gave them birth, and which they never can again behold. With what a picture of human depravity and human wretchedness does this subject present us? Humanity will long have occasion to weep over the misfortunes of the unhappy Africans who have suffered these enormous evils in consequence of the discovery of America. The last disadvantage I shall mention resulting from the discovery of America is the numerous and bloody wars occasioned by it both in the old and new world.

"Before I proceed to mention the advantages resulting from the discovery of America, I shall make a few observations relative to

the disadvantages just mentioned. That many tribes of the nation have become extinct as above alleged is a fact which cannot be denied; but with regard to the cruelty exercised towards the natives and slaves who have been imported from Africa, it may be said that they have in some measure been repaid by the civilization and Christianity with which they have been made acquainted by their oppressors; and as to the numerous and bloody wars said to have been carried on in consequence of the discovery of America, they hardly deserve to be ascribed to that cause, for we find that England and France, the two great rival powers who have contended concerning America, had been as frequently engaged in war for centuries before the discovery of America as they have been since. I shall now proceed as proposed to consider the advantages which have resulted from the discovery of America, and which will ever cause it to be considered as a grand event in the annals of the world. The first great advantage is the civil and religious liberty enjoyed here. Our forefathers left their native countries, their friends, and connections to dwell in this distant land inhabited only by savage tribes of Indians, scattered over a widely extended continent. The object of their removing to such a place was that they might enjoy in peace their religion. This they completely effected, and their posterity have formed the free and independent government of the United States, which stands the wonder and admiration of the world. Here it may be truly said were the first dawns of liberty in modern times, and here has that government been founded under which we all enjoy equal privileges, so essential to the happiness of man. Another advantage, as already mentioned, is that civilization is promoted by the discovery of America. When America was first discovered, it was mostly inhabited by barbarous savages in a state of ignorance and superstition, and whose only employment was hunting and war. Even the Mexicans and Peruvians, its more refined inhabitants, were unacquainted with true religion. But since European settlements have been made in America, many of the natives have become more civilized and have been made acquainted with Christianity; and the period is anticipated when they will all partake of the blessings of a Christian and civilized life. But whether these anticipations concerning the natives shall

prove well-founded or not, it is a truth which bears with decisive weight upon our question, that at no very distant period this mighty continent is to be filled with a Christian and civilized people, who but for the discovery of America would never have had an existence. The next advantage which I shall consider is the extensive country laid open to emigrants from every quarter of the globe. If America had not been discovered it is very probable that by this time the old world would have been overstocked with inhabitants, that a great many would have found it very difficult to obtain a subsistence there. But America affords abundant room for all, here every person who is willing to labor can easily obtain subsistence. Another advantage resulting from the discovery of America is the great impulse it gave to commerce, which before that time was very limited. But since that time it has increased and extended to all parts of the earth, and the wealth which some of the European nations have derived from it has greatly contributed to the comforts of their inhabitants. In fine, it contains the only republican government on earth; a government unrivalled in the annals of the world for the wisdom of its institutions and the mildness of its sway. Here the good of the people is considered as the only proper aim of legislation, and religion, the mainstay of human happiness, has left without interference its proper influence on the hearts of men. Here agriculture, commerce, and literature flourish, and all are placed on an equality. Here the toils and labors of the poor are sweetened by the pleasing thought that the government under which they live allows them freedom and independence in speech and action. Here the oppressed of every country may find refuge from tyranny and may here enjoy in peace and quiet the religion which is most agreeable to their conscience. And here for centuries to come increasing millions may find ample room in our western regions for the exertion of their enterprise and the enjoyment of their privileges."

"OUGHT INFIDELS TO BE EXCLUDED BY LAW FROM OFFICE?"

"It is with no ordinary sensations that I rise to make a few remarks on the question 'whether infidels ought to be excluded by law from office,' in the discussion of which I shall notice only one argument advanced by those in favor of their excluding, which is that they cannot be bound by an oath on account of their disbelief in a future state of rewards and punishments, and consequently cannot with safety be depended on in any office lest they should betray their trust. But it is not very rational to believe that the fear of being punished or branded with infamy would restrain them from acts inconsistent with their duty, or might they not be induced by love for their country to discharge the necessary duties incumbent upon them in an honorable manner? Or is it to be presumed that because they reject Christianity they are possessed of no principles of honor or patriotism? I think the supposition is absurd. But even admitting the principle that infidels cannot be bound by oath, it follows as a natural consequence that no law framed by man can prove effectual in excluding them from office. And as to the consequences which would result to a government from excluding any set of men from office, we have an example in the government of England. Look at the situation of that oppressed and unfortunate people, the Catholics of Ireland, and look at the consequences which have resulted to government from their exclusion. A majority of the people are disqualified for holding any office, among whom are men of the greatest talents and genius; men who are capable of filling the highest office with honor are thus excluded merely on account of religious principles. Shall we then adopt a measure, the baneful effects of which we have already witnessed, a measure which casts a foul stain upon the national character of England, and which is considered as very unjust and impolitic in a monarchical government; but how much more so would it be in a government possessing the mildest and most impartial laws, where it is the pride and boast of every citizen that they enjoy equal rights and privileges! I am at a loss to determine how the advocates of their exclusion can reconcile to themselves the idea of such a measure being constitutional or upon what single principle of policy or justice they forced their argu-

ments. The exclusion of infidels from office would have a direct tendency to create factions, the greatest curse that ever attended a republican government, and to which cause may be attributed the downfall of the ancient republics of Greece and Rome. And it may be justly remarked that the hypocrisy which would be used is a great argument against the exclusion of such persons. Can this be denied? If you wish for proof, look again at the government of England, that monument of cruelty and injustice, where all are excluded by law from office who do not profess religion. The consequences are persons of the basest character and totally unworthy of any office come forward and perjure themselves for the sake of profit or honor. And such I doubt not would be the case in the exclusion of infidels. I wish it not to be understood, however, that I charge that class of people in particular with a willingness to obtain office in this disgraceful manner. But there are men of every class who are willing to aggrandize themselves by any means, however unjust or dishonorable. As long, however, as the existing laws in this country are observed, infidels cannot be excluded from office, nor can any set of men who believe in the existence of a God. I deem it an act of the greatest injustice to deprive any particular class of people of their rights and a due participation in the concerns of government upon no other ground than a difference in religious principles. Whenever they are deprived of their rights, that instant the government ceases to be republican, for it is one grand principle in a republican government that all shall enjoy their own religion. Was it not for this that our ancestors first removed to this country? Was it not for our rights of which England endeavored to deprive us that we were forced to take up arms in our defense? If, then, infidels are excluded from office, have they not the same ground of complaint which we had? They will be compelled either to renounce their principles of infidelity or their rights to office, unless, indeed, they debase themselves by perjury. I am of the opinion that any government which tolerates particular sects, religions, or denominations, and not others, is pursuing a plan by which if one gains the ascendancy, it will exert its utmost power and influence to raise and propagate its own religion on the ruins of every other, and well might we anticipate a tyrannical and despotic form of



*Gilbert Chris Russell Mitchell,
from a Daguerreotype.*

ments. The exclusion of infidels from office would have a direct tendency to create factions, the greatest enemy that ever attended a republican government, and to which cause may be attributed the downfall of the ancient republics of Rome and Athens. And it may be justly remarked that the hypothesis should be used is a great argument against the existence of such persons. Can this be denied? If you wish for proof, look to the government of England, that monument of cruelty and injustice, where all are excluded by law from office who do not profess religion. The consequences are persons of the basest character and totally unworthy of any office come forward and propose themselves for the sake of profit or honor. And such I doubt not would be the case in the exclusion of infidels. I wish it not to be understood, however, that I charge that class of people be particular with a willingness to obtain office in this disgraced manner. But there are men of every class who are willing to sacrifice themselves by any means, however unjust or dishonorable. Now, however, as the existing laws in this country are construed, infidels cannot be excluded from office, nor can any set of men who believe in the existence of a God. I think it not of the greatest injustice to deprive any particular class of people of their rights and a due participation in the concerns of government upon no other ground than a difference in religious principle. Whenever they are deprived of their rights, that instant the government ceases to be republican, for it is one great principle of a republican government that all shall enjoy their equal rights. Was it not for this that our ancestors first rebelled against us? Was it not for our rights of which England endeavored to deprive us that we were forced to take up arms at her altars? If, then, infidels are excluded from office, have they not the same ground of complaint which we had? They will be forced to either renounce their principles of infidelity or their right to office, unless, indeed, they debase themselves by perjury. I am of the opinion that any government should be established on the basis of religious, or denominations, and not on the basis of a party to which if one gains the ascendancy, it will exert its utmost power and influence to raise and propagate its own religion on the ruins of every other, and well might we anticipate a tyrannical and despotic form of





government for that country. Taking thus the experience of former ages as the only criterion by which to judge of future events with certainty, and having witnessed the consequences of excluding a part of the community from the enjoyment of their just privileges, may the pure principles upon which this government has been founded never be tarnished by the adoption of such a measure, but may liberty ever be its distinguishing characteristic. May that constitution, which was framed by our venerable ancestors, never be infringed with impunity. May the same spirit of virtue and patriotism which actuated their conduct be also cherished by their posterity. When the nations now flourishing in all the pomp and splendor of the earth shall have vanished away 'like the baseless fabric of a vision' and their mouldering ruins be all that remains as a memorial of their former greatness, then may this young and mighty republic stand like some grand and majestic monument, not the less splendid and magnificent from the desolation by which it is surrounded than from its duration, against whose base the raging waves of time shall beat in vain, and 'round whose summit eternity must play.'"

"ON THE INDIAN CHARACTER.

"The causes which have been instrumental in forming the Indian character, and the motives which influence their conduct at the present day, have not, I am convinced, been sufficiently examined and attended to by those who so vehemently declaim against their cruelty and barbarity, and who ask with seeming surprise why they are so averse to civilization.

"If the common course of nature can be reversed; if every in-born principle of man can be eradicated; if the tenderest ties by which the family of man is bound together can be dissolved, then, indeed, there is some ground for such enquiries. Go and erase from their memory the recollection of their multiplied wrongs; make them forget, if you can, that this country which we now possess was once theirs; eradicate from their minds, if you are able, the deeply impressed persuasion that to this country we had, on the principles of eternal justice, no right, but that with almost unparalleled cruelty and injustice we drove their fathers, the

peaceful and happy proprietors of this soil, away; that blood and desolation have ever been the concomitants of the extension of our boundaries, and from us they have nothing to expect but total extinction or a state of slavery for their posterity. Go and administer the Lethæan draught to recollections and convictions and anticipations like these, and you will cease to complain that they have no relish for civilization. No wonder that they refuse to become partakers of that civilization which they have been induced to believe has been the cause of all their miseries! No wonder that a spirit of resentment and indignation should burn within the breast of a people whose feelings have been so often outraged by the atrocious conduct of the whites. No wonder, when they see the graves of their ancestors treated with every indignity, and when they consider their own lives and liberties the sport and prey of the exterminating influence of an odious policy, and when they themselves have become strangers and outcasts in their own country, no wonder I say, that the vindictive rage of an incensed nation should excite them to arms and endeavor to revenge the insults and injuries which they believe to have been heaped upon them. No wonder that under these impressions they are delighted with the writhings and contortions of a victim at the stake; that their uncontrolled joy should break forth in the animated song and dance, that they should fancy the spirits of their departed warriors hovering over the funeral pile, smiling with ferocious delight at the grateful spectacle, and feasting on the precious odor as it arises from the burning blood of the white man!

"Such are the causes which have reduced the Indian to his present miserable condition, or continued them in it, and from such causes the same effects would be naturally expected with regard to any uncivilized nation. Vain and futile are the attempts made to palliate this disgraceful conduct, which has been too often practiced towards them, and to wipe away the stigma which it has cast upon our character. The disinterested tribunal of posterity will raise its voice in condemning such conduct. May this consideration operate as a timely warning to us and all future generations, never to infringe the rights of any people, however comparatively insignificant they may appear to us.

"Let not national prejudice or local feelings find a place in our breasts, but let the dictates of reason and conscience have a just influence in deciding upon the Indian character. Let it not be said that however degraded their situation, and however dark may be their complexion, there are no traits in their character which merit applause.

"What people have been more fertile in producing men of heroism and fortitude? What nation can boast a greater degree of fidelity?

"The bold and daring feats of valor displayed by the Indians are well known to all, and sufficiently evince their bravery. Incontrovertible facts prove their fidelity. In how few instances has the Indian warrior been known to violate his engagement with respect to a prisoner taken in the field of battle to whom he has promised life? With a fidelity rarely to be found among other nations, he will sacrifice his own life in defense of his captive, esteeming it as affording no enjoyments to one branded with the disgraceful name of infidelity.

"If throughout all the disadvantages under which that persecuted people have labored, some virtues, which I feel no hesitation in saying are worthy the admiration of more enlightened nations, force their way, let us not endeavor to hide them in the shades of eternal oblivion, but rather let us exhibit them in their brightest colors and most fascinating forms, as springing from a people in whom so little respectability of character could have been expected, placed as they have been in circumstances so little favorable for its development.

"Taking into consideration every circumstance relative to our conduct towards them, we are irresistibly forced to conclude that we have injured them. Let us, then, feeling the obligations which rest upon us, endeavor to make them that reparation which justice demands, and which so well comports with the dignity of a great and magnanimous nation. Let us show by our conduct that if we had once the injustice to violate their right, we are now actuated by that true sense of honor which compels the aggressor to render ample satisfaction to the injured. And it reflects no inconsiderable degree of honor upon our missionary societies that they have commenced this grand and important work, not only of

diffusing the Christian religion among them, but also instilling into their minds the principles of science, whose bright and radiant beams are beginning to dispel the darkness of ignorance and superstition in which they have been so long enveloped; opening to their view a more extensive field for the exercise of their faculties and a more enlarged capacity for enjoying those blessings attendant upon a civilized life. May their example be followed.

"May all be roused to a sense of their duty to aid the cause of humanity in 'healing the injuries of conquest with the embrace of brotherhood,' and in extending the means of information to a people who have discovered an aptitude at receiving it.

"Then instead of imprecating the vengeance of an eternal God upon our heads, their united supplications will rise for our perpetual increase in splendor and prosperity."

"ON MILITARY GLORY.

"It may not be deemed improper at this time to make a few remarks on that military glory, which, in a government like ours, some must necessarily acquire by the brilliancy of their achievements and their heroic exploits in the 'tented field.' And when we take into consideration the great events which have transpired within the last few years, the present seems to be a time peculiarly favorable for an examination of its effects. To what other cause than idolatry to military talent can you ascribe the rapid and extraordinary elevation of that man, who so lately caused those revolutions and convulsions of empires, which drenched the European continent in blood, and made even the mightiest monarchs tremble on their thrones? In all ages and in all countries military glory has been held in the greatest estimation, and imperishable honor properly lavished on the conqueror. It is the hope of obtaining these which amid the fury of the battle stimulates the soldier to deeds of valor and renown, and with an irresistible impulse urges him to seek it even in the cannon's mouth. It is this which almost converts the trembling coward into a hero, and inspires him with courage to enter the combat and join in the work of destruction. And such honors it seems are deservedly his reward, who in the day of danger stands forth

the defender of his country, encountering difficulties and subjecting himself to the fickle fortune of war, and braving death in its most frightful forms. What is it that animates the soldier in the fearful contest?

"Is it the pecuniary consideration which he receives, or is it that love of country which constitutes true patriotism? Experience has taught us that neither of these is sufficient to excite that almost supernatural courage and fortitude so often displayed in the field of battle. Alas! the degenerate and degraded state into which men are plunged precludes us from the possibility of presuming too much on their patriotism, a quality than which none is more rarely found and none more falsely assumed. It must, then, be the temple of fame at which men pay increasing adoration; this is the shrine before which they bend in the humble attitude of worshippers, and this the idol upon which their whole affections are placed, and on whose altar they so often sacrifice their lives. Military glory has indeed, for obvious reasons, been always held up among all nations as a possession of no inconsiderable magnitude. Where honors are bestowed and a due tribute of respect paid to the hero, there you will find a nation powerful in arms, a nation whose bulwark of defense consists of soldiers the most determined and skillful, who have entered with alacrity into the service of their country with the hope of acquiring fame and obtaining that reward which flows from a people grateful for the distinguished services of her sons. There is a thirst for honor and the applause of our fellow-men implanted in our very natures which cannot be eradicated. And indeed cold and unfeeling must be that man, the tenderest strings of whose heart do not vibrate on being hailed with the plaudits of his country. There is something in military renown which has a peculiar tendency to excite the admiration and interest, the feelings of mankind. In the late war with England we have proof of this and of the advantage it confers on a nation. When our army and navy had, by the splendid victories which they obtained over their enemies, acquired immortal honors, and evinced to the world that our country was not to be insulted with impunity, then it was that those who had most strenuously opposed the war entered into it with their warmest wishes and most ardent feelings.

"But I cannot pass over in silence the glory with which this country had been covered by that necessary safeguard, the navy. Where in the annals of history can you find a parallel to our achievements on the ocean? Where can you find a nation which has equalled us in the fame of its navy? Called as it was in its infancy to oppose a nation the most powerful, not only on account of strength, but also of naval skill, whose pride and chief dependence was placed on her navy, and who boastingly called herself the mistress of the ocean. In the struggle with such a formidable enemy did our gallant navy surpass our most sanguine expectations, and more than once send home the shattered remains of the British forces, covered with disgrace and infamy. And now the American flag, which England affected lately to despise, is honored and respected by all nations of the earth, and seen in every clime, proudly waving defiance to her enemies. And if we turn our attention to the army we shall find that it has not been deficient in contributing to swell for us the trump of fame and add to our national glory. We shall find that its soldiers have acquired unfading laurels and splendid trophies in defense of their country.

"We have thus far taken a view of the bright side of military glory. But let us not be deceived, let us not suppose that it is invariably a source of advantage. On the contrary, it often proves the severest scourge of nations. When it makes a people blindly devoted to the interests of one man in opposition to their own; when they are dazzled by the splendor of the successful soldier, whose ambition induces him to aspire to sovereignty and render the will of a whole nation subservient to his own, what must be the consequences? Yet such is the nature of man, and more especially of the common people, that they seem to think no other qualification requisite for a civil office than military fame, and that alone is deemed a sufficient passport to the highest stations in government.

"An Alexander, a Cæsar, and a Bonaparte have shown the dangerous consequences of an unqualified submission to the encroachments of a man actuated by an insatiable thirst for military glory. Nations have been depopulated, millions have been slaughtered, and monuments overturned in the march of such men

to fame. These are evils much to be dreaded among ourselves. It is not given us to know the events which are concealed in futurity, but I think we should not be running too far in the regions of speculation to say we have reason to believe that if ever this government is subverted, it will be by some popular military commander. Who can say but that at some future period the foundation which supports the government may be undermined and the fair fabric of freedom swept away by some military despot, wading through seas of blood, striding over slaughtered thousands, and rearing his throne on the ruins of our liberties? Then will the land of freemen be converted into a land of slaves, groaning under the iron rod of despotism. But let us turn from this dark and gloomy picture upon which no solitary ray of hope sheds its cheering influence to brighter prospects and more favorable auspices. Let us not indulge in anticipated wretchedness and misery, but be ever vigilant and watchful to avert those evils which I have portrayed, and shield our country from the storms which may chance to threaten it. Nor from what I have here said of military glory, let it be inferred that I wish to sully the fame of a national benefactor, or to lessen the estimation in which he is held by this country. Far be it from me to attempt to wrest from the military chieftain the hard-earned laurel which has been wreathed around his brow, or to raise one disputing voice in the general acclamation."

CHAPTER III.

LETTERS FROM RUTH SPARKS SEVIER—ONE LETTER FROM WILLIS D. STOCKTON.

The letters to G. C. R. Mitchell signed Ruth Sparks Sevier were written by his young cousin, the daughter of Dr. Samuel Sevier and Jane Rhea Sevier. These letters are delightfully quaint, and form an illuminating index to the life of gentlewomen in a frontier country. As they were written at a period when the education of girls was usually merely rudimentary—let it be whispered that in those days some of the finest ladies of the land were obliged to sign their names with a cross—these letters are rather remarkable in their way, especially when we realize that they were written when she was very young, as she is said to have died at the age of sixteen. In one of the letters she speaks of "Aunt Vertner wishing to have my education completed this spring," and in another apologizes for her "bad writing," which apology is unwarranted in the face of her fine and beautiful penmanship. She wrote with carefulness of expression, precision, and a slight formalism.

The references to traveling by horseback and "going back to meet the wagons" carry us back many decades. And so does the young girl's grief over an intimate friend's removing elsewhere, regarding which she says: "I have little expectation of ever seeing her again," which was a logical result of the difficulty of travel. In another letter she expresses a similar doubt of ever seeing her cousin, Gilbert, again. In her last letter, her mention of an agreeable little party causes one to wish for a more detailed description of it. Dancing all night and almost all day was surely an instance of high spirits and overflowing gaiety. She adds: "I expect you had a very splendid ball in Knoxville. You must write me all about it." We can only wish that his reply were available to this work.



*Blount College,
afterwards known as East Tennessee College.*

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Catharine Ann Sevier, mentioned once or twice in these letters, was later the wife of Branham Merrill; Aunt McClellan was Eliza Conway Sevier, youngest daughter of General John Sevier and Catharine Sherrill Sevier, his second wife. This daughter became the wife of Major William McClellan; Aunt Vertner was Ruth Sevier, of the same parentage, who married Colonel Richard Sparks, after his death marrying Daniel Vertner. Ruth Sparks Sevier was named for this aunt. Her mother, Jane Rhea Sevier, and Gilbert Mitchell's mother, Ann Rhea Mitchell, were sisters, the daughters of Archibald Rhea. The close connection between the Rhea and Sevier families through the marriages of a sister and a brother to a brother and a sister has been explained in an earlier chapter of this work. The letters follow. All of them were written in 1822, the year of G. C. R. Mitchell's graduation from college, and are addressed to Knoxville. It may be added that an occasional reference is made to his having spoken of the Mississippi Valley region, which offers proof of his looking westward even then.

LETTERS OF RUTH SPARKS SEVIER TO G. C. R. MITCHELL.

"OVERTON COUNTY, March 11, 1822.

"Your kind favor of the 4th has been received, and it was with much pleasure that I read the precious lines containing intelligence of the place that is somewhat dear to me, both through relations and, I believe, sincere friends. I have never seen or heard of anything that could prove the contrary.

"I am sorry to hear of your being so low-spirited, occasioned by your not being in company with Miss M—, and sincerely hope you will avail yourself of that pleasure, rather than remain in that situation, as I am sure it must be a disagreeable sensation to experience.

"We had a very dull time coming from Knoxville out, owing to our coming so very slowly, also my horse scared and threw me, but I must say that I received no injury from the fall, only the loss of my snuff-box, which, you may know, was a great deprivation.

"Aunt McClellan is very anxious for Mr. Scott to come. She fears the season will be so far advanced that it will be quite imprudent for her to venture to go on until the fall. If she goes, I believe papa and mother are willing for me to accompany her. It is with some degree of reluctance that I consent to go, as I would prefer waiting until fall, and should not think of going in the sickly season, if it were not that Aunt Vertner wishes me not to fail to come on this spring. She wishes me to have my education completed.

"This country presents in some degree considerable romance. It would suit a person inclined to be melancholy, and is even calculated to render one so.

"I must tell you that I received a visit after reaching home from my old friend, C. Armstrong. I was much disappointed to find that my most intimate friend, Nancy Cross, had gone to the Fork Adear, and I have little expectation of ever seeing her again. You must write me how you and Miss M—— are coming on, knowing that I am interested in your welfare. Aunt McClellan joins me in respects to all our acquaintances. Mother and papa send their compliments to you. I hope you will excuse my bad writing for this time, for my promising to make amends in the future."

"MONROE, May 11, 1822.

"It has been some time since I received your letter. I have been away, near Monroe, which has engaged some of my time. This is the only apology I have to urge; and as I know you have a heart ever willing and ready to forgive, I hope it will be accepted. Even now I have nothing to write that will amuse you. I can only tell you that I am well and not so melancholy as usual, which I have the vanity to believe will be gratifying to your feelings.

"I am now certain of remaining in Overton till next fall, in consequence of Aunt McClellan's not going on to Red River this spring, which I think a very providential thing for her. It was much too late in the season for any person to go to such a sickly country. As to what the Mississippi and Roc River country is, I think the Chickasaw is a much better country than either. You will perhaps laugh at the idea!

"I have many pleasant walks on the bank of the river, and can contemplate with some degree of pleasure many scenes which are past, yes, never to return. I am hoping you will fulfill your promise of visiting us this fall. It would afford me great pleasure to see you out here! Aunt Betsy is in reasonable health, but much disappointed over not descending the river this spring. She will be certain to go on in the fall. Catharine Ann Sevier and I will accompany her down, and if we should be so fortunate as to be healthy, we have a long voyage before us. Aunt Vertner expects to visit Morristown, in Pennsylvania, where John Vertner is going to college next spring, and we are to go 'round with her. We will come through Knoxville on our return home. Aunt Betsy sends her compliments to you, and to Willis and Mr. Scott. Write to me as soon as you receive this, and let me know how you are doing, as I am very anxious to hear."

"OVERTON COUNTY, June 3, 1822.

"With inexpressible pleasure I attempt writing to you. I have just received your friendly letter by Captain Scott, which gave me much pleasure, especially to find that I had escaped a scolding, which I deserved.

"I was much surprised to hear you speak of a certain young lady as you did, but perhaps it is for the best, if you can be happy in so doing. But I once thought you never could. You may have entirely changed your mind since then, for we are all liable to do so, many times when we are not altogether willing. But I believe a forced resignation often becomes a willing one.

"I was only jesting when I spoke of the Chickasaw being a much better country than the Mississippi or Roc River, for I have no expectation of ever being there. I should like very much if you would tell me what it is that you know, but I expect it is nothing more than what I told you the evening I left Knoxville, as we were going back to meet the wagons, which, if you have not forgot, I can assure you, is true. But of that I leave you to think as you please.

"I received a letter from Betsy Lindsey and Rosy Cary a few days since. Her whole theme was Willis. She speaks in such rapture of him as never human tongue spake before. I expect to

go to Monroe in a few days to see Juliet. She is a very fine young lady, and has great attention paid to her by the Monroe beaux. I am very sorry to hear you have given up the contemplated visit to Overton, as I am very anxious to see you. But I fear we shall never meet again, and this reflection to me is truly unpleasant. Tell Eviline Montgomery I expect from what I have heard she is in love with Mr. J. W., and has entirely forgot the one she used to love so much, when I was there. Some other circumstance similar to this makes me almost agree with Goldsmith, when he says:

“Love is still an emptier sound,
The modern fair one's jest,
On earth unseen, or only found
To warm the turtle's nest.”

“MONROE, July 5, 1822.

“I am just going to pen you a few lines to inform you of the manner in which I spent the 4th. We had a very agreeable little party. We danced all night and about all day. Mr. Voss came down by the river to see the ladies. I am just going now to return home. Cousin Catharine and Rebecca Oversted are with me, and there are several young gentlemen going with us. I expect you had a very splendid ball in Knoxville. You must write me all about it. We are anxious for Juliet to go to the river with us, but I am not certain yet whether she will or not. Aunt Betsy is in much better spirits since Mr. Scott has come out.

“When you leave Knoxville, you must write to me and let me know where to direct letters to you, and let me know if Willis goes or not. He said he would never go to another ball. I am in very good health at present. Please give my compliments to Aunt Ann and Aunt Rhea.”

Among Judge Mitchell's papers was found among many interesting documents one which is a commission appointing Samuel Scott a second lieutenant. It bears the seal of the United States, is signed by James Madison, at that time the president, and is dated July 6, 1812. We can only wonder whether this is the same Mr. Scott or Captain Scott mentioned in the foregoing letters.

The following letter was written to G. C. R. Mitchell the year after his graduation from college. It is signed Willis D. Stockton, and presumably is from the "Willis" so frequently mentioned in Ruth Sevier's letters. In this letter may be observed the same attitude toward absence and separation found in the letters of Ruth Sevier. Mr. Stockton, in leaving Tuscumbia, Alabama, for "the lower country," and possibly Texas, has no hope of ever seeing his friend again.

LETTER FROM WILLIS D. STOCKTON TO G. C. R. MITCHELL.

"TUSCUMBIA, July 1, 1823.

"I have been living here for some time, and have never written you, though I have been threatening to write you by every mail, but still neglected it. I am not confident I should have written you now, if fortune had not been pleased to set me farther adrift. I leave here tomorrow for the lower country. I shall go from here to the Chickasaw Bluffs, and if not pleased there, I shall push on to New Orleans, and from there to Texas. My dear Gilbert, we have separated forever. May God lead us in that way which will in the last bring us together. We have but a short journey until we go hence to that land from whose bourne no traveler returns. If I stop short of the Spanish dominions I will write to you again. May God bless you. If I see Ruth I will tell her you are well."

CHAPTER IV.

LETTERS OF NATHANIEL MITCHELL TO HIS SON, G. C. R. MITCHELL, AT COLLEGE.

It is from the letters included in this chapter that we know, whatever may have been the circumstances under which G. C. R. Mitchell was reared, that while at college his expenses bore heavily on his devoted father. The fact that his education was purchased with the coin of sacrifice gives it additional significance and value.

To the descendants of this father and son these letters are profoundly impressive. The originals are carefully preserved, tattered, yellow with age, many of them almost fallen apart, all of them difficult to decipher. They are baffling at times in what is not said, wonderfully illuminating at other times in what they reveal. They are included as nearly in their entirety as possible. Some of the names so casually mentioned are famous in the history of Tennessee and Alabama.

In these letters is no superfluous word. There is reiteration of a point the father might wish to impress on the son, but the style is abrupt to the point of curtiness. The injunction "not to keep company with rude boys," gives evidence of the good father. He urges his son constantly to "pay good attention to learning," and seems to realize fully that his son is possessed of unusual gifts of mind. He frequently asks for the speeches of the young man to be sent to him, and it is not difficult to guess his pride in them. The letters follow:

LETTERS OF NATHANIEL MITCHELL TO G. C. R. MITCHELL, KNOXVILLE.

"MOULTON, ALABAMA, February, 1821.

"By the hands of Brudlove you will receive thirty dollars. You are to give Dr. J. C. Strong twenty, and keep ten for paying your

small debts. I wish you would send the speech by Brudlove, if you have not already sent it, and send the next one you make.

"You are now old enough to know good from evil, and to know that I am poor, so you ought to pay good attention to learning, and finish as quickly as you can. The sooner you are through, the sooner you can get home to this good country. Be very careful not to keep company with rude boys, for if you do, it will be the ruin of your soul and body. You ought to write to me often to let me know how you are coming on, and how you like the proceedings in the school. Sherman thinks it will take two years more for you to get through, but if you were very studious, you might finish in eighteen months. I hope to hear of your being studious and learning fast. You know your learning is all your dependence, and it is a good one. You can shine in this country. As yet there are no first-rate lawyers here, and it will be a good place always for that profession.

"I am now at work at my trade, but I am not able to do much. S. Elger is at work for me at present. Grady promised to come down and work for me, but he does not come. Tell him I want a good hand, and perhaps if he will not come himself he will send me one. If I have any money worth taking to Martin, I will be up in the spring.

"Now, my son, you have it in your power to be something or nothing. Industry and perseverance will do all. Look at Dr. Franklin. Your mother worries for fear you will not do what you ought to do, and do what you ought not to do. God bless you."

"MOULTON, October, 1821.

"I received your letter and your speech, which gave me great pleasure. I am hoping you will improve every moment. We want to see you, but times are so hard that we cannot come this fall. Tell Mr. Craighead and David Campbell I will send them some money this winter, and not to be aweary. Let your clothing be cheap as yet, but before you are ready to come away, you must let me know in time to get you a good suit. Try and get shoes of John Brown. Let me know how Archie is doing. I heard from him as soon as he reached Knoxville. I have not been well

the past ten or twelve days. The people in general are well. I am sending you ten dollars on the Knoxville bank, for which you can get silver, or eleven dollars in good paper. I am also sending you twenty dollars to give J. C. Strong for Mr. Sherman."

In the following letter, the assumption that money sent two months previously, but not received, "must be in some postoffice," causes one to pause to consider mail facilities of an earlier day:

"MOULTON, March 31, 1822.

"I received your letter dated December 31, 1821, some time in January. You stated you wanted money the next mail. I wrote a letter, enclosing a twenty-dollar bill on Tennessee or Huntsville. By your last letter it appears you did not receive it. It must be in some postoffice, and you may get it yet. Tell the postmaster, and I shall write him on the subject. Your other letter has not come to hand. Your last bears the date March 15, 1822. I am now sending you twenty dollars on the Planters' and Merchants' Bank, of Huntsville, No. 129, January 1, 1818. You say you will need twenty-five or thirty dollars for books. I wish you could borrow books, but if not, you must have the money. Let me know when you will be ready to come home."

"MOULTON, May 20, 1822.

"I am glad to hear you are nearly ready to come home. You must finish this summer, and come down this fall. How you are to get home I know not. Traveling by stage is too expensive. I do not wish to have you come by water at all. See what a pony will cost. If one can be had at a low price, I shall try to send you money for it. You can use some old saddle with a blanket. Your trunk can be brought in some boat. As for clothing, if you could get some nice woven homespun of a dark color, this fall, it would do very well. I am sending you a twenty-dollar bill on Tennessee. Money is so scarce that I had to sell lots yesterday at a low price to get this.

"If you cannot make a living by your learning, you will be in a bad way, so be attentive to your books. Pattern after men, not



*Gilbert Chris Russell Mitchell,
from a portrait in oil in possession of his daughter.*

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In the following letter, the assumption that money sent two months previously, but not received, "must be in some postoffice," causes one to pause to consider mail facilities of an earlier day:

MURFREESBORO, March 31, 1822.

"I received your letter dated December 31, 1821, some time in January. You stated you wanted money the next mail. I wrote a letter, enclosing a twenty-dollar bill on Tennessee or Huntsville. By your last letter it appears you did not receive it. It must be in some postoffice, and you may get it yet. Tell the postmaster, and I shall write him on the subject. Your other letter has not come to hand. Your last bears the date March 15, 1822. I am now sending you twenty dollars on the Farmers' and Merchants' Bank, of Huntsville, No. 100, January 1, 1822. You say you will need twenty-five or thirty dollars for books. I wish you could borrow books, but if not, you must have the money. Let me know when you will be ready to come home."

MURFREESBORO, May 20, 1822.

"I am glad to hear you are ready to come home. You must finish this summer, and come down with me. How you are to get home I know not. Traveling by stage-coach is expensive. I do not wish to have you come by your own horse, for what a pony will cost. If one can be had at a low price, I shall pay for it and you money for it. You can use some old horse or mule. Your trunk can be brought in some boat. As for clothing, if you could get some nice woven homespun of a dark color, like the full, it would do very well. I am sending you a twenty-dollar bill on Tennessee. Money is so scarce that I had to sell it yesterday at a low price to get this.

"If you cannot make a living by your learning, you will be in a bad way, so be attentive to your books. Pattern after men, not





boys. Have the actions of a sage, and try to have the knowledge of a Solomon. Be honest in all your dealings, and keep truth always on your side.

"If there should be sickness in Knoxville this summer, get an ounce of aloes, put it in a quart of whiskey or rum, and take one or two drams of it each morning. It will keep away the bilious fever. To cure the flux, use sweet milk, black pepper, and the yolk of eggs, beating them together, then boiling a little."

"MOULTON, June 9, 1822.

"I wish you would write me about every two weeks, telling me all about yourself, and when you will be ready to come home, as well as how you expect to get here. Perhaps someone will wish to come down the river by boat, and will loan you his horse.

"The young man, the bearer of this letter, lives three-fourths of a mile from this place, and comes of a very respectable family. If you see him, treat him with respect, and treat all persons in like manner, and they will so treat you."

CHAPTER V.

STUDY AND PRACTICE OF LAW IN ALABAMA—TRAVELS—LETTERS
FROM NATHANIEL AND ANN RHEA MITCHELL—LETTER FROM
DAVID A. SMITH.

After his graduation from college, G. C. R. Mitchell went to Moulton, Alabama, where his parents were then living. There he studied law in the office of Judge A. F. Hopkins, later of Mobile. Mr. Mitchell was admitted to the bar in 1825, after which he practiced his profession successfully for several years in Moulton. For the greater part of this time he was Clerk of the District Court. As a candidate for the office of Circuit Judge he was defeated.

We know that he traveled in the west several times before 1835, when he settled permanently at Davenport, Iowa; and we know, also, that he spent a year in a tour of eastern cities. One biographer says: "He made a tour of the effete east, and became disgusted with its flimsy show of blue-stockingsism." While living in the south he was seriously ill with typhoid fever, and a change of climate was advised. The letters of this period show that after leaving Moulton he lived for a time at Courtland, in the same state, after which he visited St. Louis, Fort Dearborn (Chicago), Galena, and Dubuque. He came to Stevenson, as Rock Island, Illinois, was then known, in May, 1835. The acquaintance Colonel Davenport had with Mr. Mitchell and his parents in the south, when traveling there, and his urgent invitations to visit him at his home on Rock Island, may have offered something of an inducement to the younger man to at least look into this locality and the advantages it had to offer. It has been said that Mr. Mitchell had a government commission in connection with Fort Armstrong.

The letters that follow were written to G. C. R. Mitchell by his father, while the young man was traveling in the west, or the

middle west, as it is now known. There is one letter from Ann Rhea Mitchell, the only one extant that she wrote to her son. These letters show the anxiety of the parents that the son should make a wise choice in selecting his future home, indeed the future home for them, also, as it was understood they should follow him. The letter from Mr. David A. Smith was written after G. C. R. Mitchell had taken up his residence in Davenport. Mr. Smith and Mr. Mitchell were law partners at Courtland.

LETTER FROM NATHANIEL MITCHELL TO G. C. R. MITCHELL.

"MOULTON, ALABAMA, April 4, 1828.

"I was surprised upon hearing from you to learn that you were in St. Louis, and to find that it took you so short a time to go there from Ohio. I am sorry you did not settle in Ohio, as that state pleases me most of all. Since you are in St. Louis, I hope you will go up the river and see all you can of it. That is a fine country. Then cross back to Franklin on the Missouri and see General Thomas Smith. Such men as the General can help a stranger in a strange land. The General and the madam will be pleased to see you. And you should call on Judge H. Peck, as well as Judge Barton, if he comes home before you leave St. Louis. General Smith can tell you where your uncle, Thomas Mitchell, lives, and William Mitchell and David Fine; if you should go near where they are, see them. I think you can do very well in Moulton, unless you find a better location. Your mother is very desirous for you to return.

"M. Kelly and his wife stayed five days in Cincinnati upon their return home. They were sorry not to know you were there. The Marshal of the state went there with them. Margaret and Ambrose are married, Lee Warren and one of Prent's daughters, and so are John Prent and Martha Hart. Mary Worley is dead. Mrs. Bochy's oldest daughter died. Gallagher will write to you, but probably not by this mail as court has just broken. Let me know what you can about Ike and Andrew. David Hubbard says his health will not admit of his practicing law any longer. James is in the store, and Daniel is going west. D. Street and J. Balch

have returned. I. Young has gone to Memphis. He fell eighty feet from the bluff, but was not hurt. J. M. Jackson is married to Miss Ponds.

"I took back my house from Wm. Farnes. Hubbard and Tamage are my tenants at \$150 a year. I heard from Wyley Martin, and he told me to take you by the hand, and give it a hearty shake. He advises your not going to Texas. I would like to see you come home. There are a great many who wished me to give you their compliments, A. F. Hopkins, D. Smith, M. and I. Kelly, P. O'Neal, and others whom I cannot remember."

The following letter is the only one found among the papers of G. C. R. Mitchell that was written him by his mother.

LETTER FROM ANN RHEA MITCHELL TO G. C. R. MITCHELL.

"BARDSTOWN, KENTUCKY, June 13, 1830.

"This is the first time I have taken up my pen to write to you. It has not been for want of affection, for I long to see you. Had I thought you would be away from us so long, I could not have left Courtland so willingly as I did. I still hope to see you again, but it appears hard for us to leave Bardstown. I do not wish to go to Illinois until I am sure you are going. I thought perhaps you would remain in Alabama. If you are willing to do so, write to that effect as soon as you receive this letter. The reason I thought so was because you praised Moulton so much, but you know I sometimes have strange notions. Your father's health is not good, and mine has not been good since the cholera was here. I like to live in town much better than in the country. Mr. Burk's family are very kind to us, and his wife is like a sister to me. I would be glad to see all my friends. I could say a great many more things to you, but must stop."

LETTERS FROM NATHANIEL MITCHELL TO G. C. R. MITCHELL.

"BARDSTOWN, KENTUCKY, November 13, 1831.

"We arrived here on Tuesday, November 8th, about three o'clock. Wednesday I saw the Bishop. We took a room at one end of the widow Webb's house. She is a Catholic. Her home

is in the east part of town. Nothing went wrong with us on the road, only that our pets, Joe and Tom, cried so much that I gave them away on the road one mile in Tennessee. The others are well, and Trim, the pony, is doing nicely. Your mother and I went to church today."

"April 15, 1832.

"Do not be surprised when I say that since my health has been so bad I was obliged to give up going any further, so on the 15th of March I bought a home, with twenty acres of thin land. It lies two and one-half miles on the Louisville road. You may have noticed a sign on a tree, where the road goes to Nazareth. My house is about two hundred yards further, and is north of the road. It is a good log house, with two rooms, one good wooden chimney, and at the end near the road is a double stone chimney. A small log house was built for a saddler's shop. There is a log stable that will hold eight horses, and a good spring and well are both on the place. The water is so cold your mother is afraid to drink it. I paid a man named Pack three hundred dollars for the place. I will get full possession in the fall. For the present we have one room and part of the garden. There are twelve acres cleared. The place is very much out of order, but it is a good stand. Everyone says I have made a good bargain. If my health were good I could make money here. There are more people passing by than there have been on any other road where I have lived. I intend fixing things so I can keep wagoners and provide entertainment this fall. Everyone says I will do well at that. I can raise good clover, timothy, wheat, and rye.

"Please tell Mr. Lyon that his brother came to see me, and since then your mother has become acquainted with several of old John Calven's children, so she is now more contented. When you receive this, write fully of yourself. Bishop Flaget sends his respects to you. He intends to call on us in a few days. After that your mother and I will go to Nazareth to see all our friends there. John and Trim are happy here. They go where they please. Trim sees the squirrels and they run him crazy."

"NELSON COUNTY, June 1, 1832.

"Yours of May 7th shows you have come to the conclusion I hoped for. Go and please yourself, and then I will follow, if I live and enjoy good health. I am better than in the spring, but am afraid of sickness in Illinois. I hope you will look it over, also Missouri. I cannot advise you, but when you go, take a general view, and be careful of your health. Let me know what you expect to do with your land.

"I went to church yesterday, and saw the Bishop. He was well pleased to hear from you, and sends you his best respects. I did not see Mr. Reynolds, and Mr. Hazleton has not yet returned. Since I heard from you I have been telling people my land is for sale. If I sell before October 1st, I shall leave here this fall.

"When I quit being treasurer I owed the county \$189.39. I had two county claims, one of \$100, the other of \$75.00. I sent the two claims back by P. W. Taylor with \$15.00 cash. Coopwood gave me the change the last time I was in Moulton. I wish you would see that my account is balanced. Why did they not look at my settlement?

"Mr. Simpson, the silversmith, has just returned from Missouri. He went further up the Mississippi, and says it is a high, dry country, the land being very good. He says if he were young he would go there to live. Conneway will start there in a few weeks, but he will go to Howard County, which is said to be the flower of the state. If you go up that way, do not forget that Philomen Mitchell lives at Boonesville. See him, then you can hear of all the kin. George Wear, your uncle, stopped in the same county.

"In St. Louis Mr. Simpson was told there would be four hundred houses built this year. I know not how to advise you about coming this way when you return, for if I sell this summer I will go in September or October. Your mother is well, and pleased at the prospect of going on."

"August 1, 1832.

"As soon as I received your other letter I placed my land on the market, but I have not yet sold, though a good many people would like to have it. Money is scarce, and I fear we will have a famine.

We have not had a good rain since the corn was planted, and the latter part of July was as cold as November. It is still cold.

"You must judge for yourself about where to look for a location. Take a wide range, have an eye to transportation, roads, rivers, canals, etc. Let me know how Clay and Jackson stand in that part of the country."

"September 11, 1832.

"The chance of selling land here will be dull until after the president's election. I am thinking of staying until spring or next fall.

"You say you are going to Bardstown, Illinois. That town is not on the map I have. Let me know how it lies from the falls in the river at Fort Clarke. Do not stay too long in one place, but keep going in good weather. Let me know how the crops are wherever you go, and how the people live in the wild woods. Where you are now, ask for the Balch and Campbell families, and inquire as to what became of Colonel Anderson, also Hunter and Meenur. It would be well for you to return home before the cold weather."

ADDRESSED TO G. C. R. MITCHELL, COURTLAND, ALABAMA.

"July 4, 1833.

"I was glad to learn by yours of June 21st that you did not trust the boats. I would advise you not to place your foot in one of them in 1833. The cholera is all 'round us, and in the heart of us. It commenced June 23d, and on the 24th took its victim. In two or three days it took more, and since then one and two and three of a day, one yesterday and one this morning. One or two of the Sisters have died. It is worse in the country than in town, and worse with the poor blacks than with the whites. In Washington County it is dreadful. Two priests died up there, and one Sister at Springfield. Eighteen miles east of here, at a small place, there has been dreadful suffering. Since June 16th about fifty have died there. The rest fled. Last week they returned, and several more died. A soldier cannot run. I will stand my ground and count my beads. Do you likewise. Make your peace with your God. We have but one time to die, and if we are prepared, it makes no odds today or tomorrow.

"Your mother is not well, at least she has not been for three or four weeks. Last week she took two large doses of calomel and oil, and she is now quite smart. My health is as usual, neither well nor sick. I have now no thought of leaving here until fall. In your next, let me know how the railroad and canal are progressing.

"Now, my son, you are not baptized. Do not suffer yourself to die without being baptized. Any person can do this for you in case of danger. Read some of Gallagher's books on the subject."

"April 10, 1834.

"I am glad you are well, and have sold your land. Your mother is not well, and neither am I. I hope to leave here about May 15th. If I cannot get away then I shall stay until October."

Although the following letter from David A. Smith, Mr. Mitchell's law partner in Courtland, chronologically comes later, as it was written after Mr. Mitchell had lived for a year in Davenport, it is properly inserted here, as it belongs rather to Mr. Mitchell's life in the south than to the new life in the west. Mr. Smith mentions Mr. Mitchell's remissness as a writer of letters; perhaps this trait is partially responsible for our having no letters written by him.

Noticeable on this old letter is the postage marked, twenty-five cents, so much higher than now. The Rev. Hugh Barr mentioned is the grandfather of Mr. Hugh Barr, who has been for many years a resident of Davenport. Mr. Smith married a relative of his, and Mr. William P. Barr, the father of Mr. Hugh Barr, went to school with Mr. Mitchell.

The depreciation of railroad stock mentioned is probably indicative, as were many other signs in the letters included in this work, of unprosperous conditions in the south. Mr. Smith asks for information of Illinois, which signifies that to the young men of the south the middle west was veritably a land of promise.



*Mr. and Mrs. G. C. R. Mitchell,
at the time of their marriage, from a Daguerreotype.*

"Your mother is not well, at least she has not been for three or four weeks. Last week she took two large doses of calomel and oil, and she is now quite smart. My health is as usual, neither well nor sick. I have now no thought of leaving here until fall. In your next, let me know how the railroad and canal are progressing.

"Now, my son, you are not baptized. Do not suffer yourself to die without being baptized. Any person can do this for you in case of danger. Read some of Gallagher's books on the subject."

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Noticeable on this old letter is the postage required, twenty-five cents, so much higher than now. The Hon. Hugh Barr mentioned is the grandfather of Mr. Hugh Barr, who has been for many years a resident of Davenport. He is now married a relative of his, and Mr. William P. Barr, one of the sons of Mr. Hugh Barr, went to school with Mr. Mitchell.

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at the time of their marriage, from a DeLesseps copy.
Wm. and Mrs. G. C. W. Mitchell.





TO G. C. R. MITCHELL, STEVENSON, ILL., FROM DAVID A. SMITH.

"COURTLAND, ALABAMA, February 19, 1836.

"I have written you some two or three letters within a few months past, and have not had the pleasure of an answer to any of them. I have written you again and again in regard to your railroad stock. My own impression is that unless you intend to pay it out, and risk its profitableness, which would be a great risk, if I am any judge, that you may give it up as worth nothing. Sell it I cannot, though I have tried repeatedly.

"I said that I expected to see you next spring. It is my intention to start for Illinois by the first steamboat leaving Tuscumbia, after, say, April 10th. Can you not make it convenient to be down the country about Carrollton or Jacksonville about May 1st? I should be exceedingly happy to see you. If you cannot, do not fail to write me at Carrollton, care of Rev. Hugh Barr, who lives thereabouts. Give me your views at large and advice as to the best methods of operating in Illinois land speculations, and what part of the state presents the best inducements. I repeat, do not fail to do this.

"Also, if you cannot come down, give such an order as you think is right in regard to the state of our partnership to any friend or acquaintance you may have in Jacksonville, and you may rely upon its being duly and promptly met. There was an inquiry made of me by John McMahon at the instance of Booth, the fellow who bought your horse at auction, regarding the note given for the price. Booth wished to pay the note, but did not know who was the holder of it.

"If I had time I should by all means visit your part of the country, and the northern part of the state generally. I presume that my land operations will be confined to the central part of the state. Ere this, your father and mother are probably with you. If so, remember me to them kindly. Let me repeat, for I know how remiss you are on that score, do not fail to write me at Carrollton."

CHAPTER VI.

DESCRIPTION OF JUDGE MITCHELL'S PERSONAL APPEARANCE—
REMOVAL TO DAVENPORT, IOWA—FOUNDING OF THE TOWN—
JUDGE MITCHELL'S LIBRARY—PIONEER DAYS—FRIENDSHIPS
AND TASTES.

Thus far we have been obliged to follow somewhat blindly the story of G. C. R. Mitchell, even though it has been to a certain extent a personal story; we have seen him reflected particularly in the letters from his family and friends. Nevertheless, from this point we have more facts at our command. Though there are very few now living who remember him well, and though anecdotes relating to his career are rare, he was too notable a figure for the story not to be a rather complete one. His name is woven into the texture of Davenport's early years, as surely as are the names of Colonel George Davenport and Antoine Le Claire. His real life may be said to have commenced at the time when he came to this locality to live. He sprang into instant prominence, and from the first was recognized as a man of unusual ability.

It seems not inappropriate to devote a word or two at this time to his personal appearance, especially in early manhood. He was six feet in height, slender, and of fine carriage. His eyes were dark blue, his hair almost auburn, like that prevailing in his mother's family. In feature and coloring he followed closely the "Rhea type," which was pure Scotch. His features while delicately formed, showed great strength. His forehead was extremely high. He was very neat in dress, and always wore the old-time high collar and tie.

There is a very fine portrait in oil of Judge Mitchell, which was executed in his early manhood. This belongs to his daughter, Mrs. William J. McCullough. In it he appears most imposing, as befitted a gentleman of the south. It is full of dignity;

there is a wonderful sweetness about the lips, which does not detract from their firmness ; the eyes are keenly alert ; but the half-smiling expression indicates that, after all, this grand gentleman was inclined to be very friendly.

The portrait painted by Mr. Karl Schmalhaus, which was taken from a daguerreotype of an early date, was placed in the Scott County Court House at the request of the Scott County Bar. The original is a daguerreotype of Judge and Mrs. Mitchell. It is characterized by an expression of amiability and repose. At the time this portrait was placed in the Court House a highly complimentary sketch of Judge Mitchell appeared in the Davenport Daily Leader, from which quotations have been made in this writing.

Judge John F. Dillon writes: "I have never seen the portrait in Davenport to which you refer, belonging to the bar, but last night I looked at 'Davenport Past and Present,' and I am able to pronounce that it is my judgment that the portrait of Judge Mitchell which there appears is in every respect accurate and lifelike and shows his handsome face in its strength with all its fine lines." Judge Dillon, formerly of Davenport, later of New York, who was not only a national but an international figure, because of his legal attainments, was most kind and helpful in his suggestions regarding this memoir of Judge Mitchell.

Still another picture of Judge Mitchell is the steel engraving to be found in the S. J. Clarke publication, "History of Scott County." This one shows him with his long, flowing beard, worn in later life, and is a splendid likeness.

Mr. C. S. Watkins sums up his impressions of Judge Mitchell thus :

"He was a remarkable man, of fine stature, and very prepossessing appearance, dignified, courteous, and of somewhat formal manner, precise in language and yet genial and affable in conversation. I never met a man who so thoroughly impressed me as

being a 'gentleman of the old school.' As a lawyer he ranked as one of the leaders of the Scott County Bar, and while on the bench his decisions were always respected, and, I think, were never disputed. The old settlers of Scott County always regarded him as 'the head of the family,' and he was earnestly interested in their personal prosperity. In fact, he had the implicit confidence and esteem of the entire community in which he was one of the pioneers and one of the principal organizers."

Davenport, which is now considered a lovely city in location and in its homes, must have been in its wild state a garden spot. In the fertile Mississippi Valley, with gently rolling bluffs, at a picturesque bend in the mighty Father of Waters, opposite the beautifully wooded island now owned by the government, and known as Rock Island, Davenport was indeed a likely spot to catch the eye and stir the imagination of the traveler, not only because of its beauty, but also because of its possibilities of development. Much could be said of Davenport's early history. One could write of the Indian tribes, the Sac and the Fox, the Potawatamies, and especially of Black Hawk and his tribes. The story of Marquette is one of thrilling interest. To quote from the address of Mr. Charles Grilk, welcoming to Davenport Mr. Woodrow Wilson, then candidate for the presidency:

"Davenport is no strange place to our guest. Learned as he is in the history of our country, he knows those notable events that have taken place here in the past; that prehistoric man left some of his best records in the mounds at Cook's quarry; that the romantic Indian gave beautiful names to the places in this region that express his deep love of them; that up and down our river passed the peaceful missionaries who have given the French names to our streets; that Zachary Taylor fought at the outskirts of the city a battle of the war of 1812 against the British and their Indian allies; that up the river came the pioneers, and across the river came the stream of seekers for gold; that Abraham Lincoln defended the first bridge that spanned the river here; that Jefferson

Davis, a lieutenant of engineers, was engaged in the work of river improvement at our doors; that the slave Dred Scott, the question about whose freedom went to the Supreme Court and was one of the causes of the civil war, lived here; and that in the national cemetery yonder are the graves alike of the gray and of the blue."

At the time when G. C. R. Mitchell came to Davenport, Black Hawk's "good spirit," in the form of a white swan, which had its abiding place in the cave formed by the rocks at the south end of Government Island under the fort, was something more than a legend. One of the old-time residents says that Judge Mitchell lived at the home of Colonel Davenport until his parents arrived in 1836. There was so great fear of the wild Indian tribes that many settlers moved to Government Island for the first winter after the town was platted. Judge Mitchell is said to have been obliged to keep his books stored at that time.

In 1835 he purchased a "squatter's right," the tract of land later known as Mitchell's Addition. He erected a shack on Fifth street, west of De Soto street. (Another account says Sixth street near Marquette.) Here he lived until 1837. When his parents came in 1836, Nathaniel Mitchell also took up a claim. An article in the Davenport Democrat, March 24, 1870, on "The Oldest Inhabitant," states that when Antoine Le Claire settled on this side of the river in the early 30's, "thinking that real estate might rise, though there was only one house here, Le Claire laid claim as a 'sovereign squatter' to a piece of ground where Schricker's mill now is. He found out shortly after that he was not old enough to hold it, and therefore he sold it to his brother for a yoke of calves. Afterwards, Baptiste Savaux and he made a claim at the foot of the bluff just below Harrison street, and again, with a strong propensity for swapping, Mr. Le Claire disposed of his right and title for 'one shot-gun and a small wagon.' Savaux, after holding it for some years, sold finally to the late Judge G. C. R. Mitchell, who thus secured the greater part of the magnificent

estate which bears his name." This is the only authority we have regarding this curious story, and while Judge Mitchell may have bought some of his land in that way, we know that most of his property was obtained by taking up a "squatter's claim," and thus securing it directly from the government.

In a letter to The Davenport Democrat shortly after the publication of the Half-Century Democrat, Mr. C. S. Watkins says:

"I have discovered but one point that no one else seems to have thought of: The manner by which the original 'squatters' claims' were made to conform to the subsequent surveys of the government engineers.

"The squatters began 'taking up' claims immediately after the signing of the treaty, but the surveys were not made—I think—until about 1840.

"When the land office at Dubuque was opened the squatters of Davenport and vicinity agreed that Judge Mitchell should purchase all the lands that were thus covered. Then by a mutual give-and-take system the land of each owner was bounded by the section lines of the survey. Judge Mitchell, having the confidence of all, his dictum settled all discontent. I speak of this now because the Democrat of the 23d says that a book is being talked of."

In a personal letter Mr. Watkins adds to this statement: "Judge Mitchell drew papers of acceptance and surrender. In other words, he was the referee and arbitrator between the owners." Elsewhere, the matter is stated thus: "A committee of arbitration was chosen by the settlers, before whom all disputes were settled, and the land bid off by G. C. R. Mitchell for each claimant."

There are many instances in the early history of the community where G. C. R. Mitchell was sent for to settle difficulties, not only in and around Davenport, but in other towns, such as Iowa City. His legal knowledge and fair-mindedness gave him an unusual equipment for arbitrator. Possibly this is the reason he was

called "Judge" from his earliest residence here, or it may be that the appointment as Master of Chancery in 1837 brought with it the title. G. C. R. Mitchell was not in reality a judge until 1857. In "The Courts and Legal Profession" the statement is made that he was "the leading practitioner of law in Davenport from his earliest settlement."

At the home of Colonel George Davenport, Government Island, a meeting was held February 23, 1836, to found the town of Davenport. At this meeting six of the eight original owners were present, among whom were Antoine Le Claire and Colonel Davenport. Judge Mitchell was present, though his signature does not appear on the document, which was executed in his fine, clear handwriting. Drawing up this document was probably one of the first acts of his professional career in Davenport. The original is still in existence, in the possession of Mr. Louis A. Le Claire, nephew of Antoine Le Claire. Mr. Joseph Le Claire, another nephew, remembers Judge Mitchell very clearly. He says that Judge Mitchell drew up all their papers for Colonel Davenport and Antoine Le Claire. The two older men were very fond of the young lawyer and reposed the utmost confidence in him. He was their consulting attorney, and at first had his desk in their office.

The Democrat-Gazette of 1889, in an account of Davenport in 1836, describes "Davenport's First Lawyer." The description reads:

"The town being platted, the sale over, buildings began to spring up, and among them a law office. The lawyer was G. C. R. Mitchell. Lawyer Mitchell came to Davenport in 1835, was 'batching it' in a squatters' hut near Sixth and Marquette streets when the first city lots were platted—lived in his hut among his books and papers, where he spent some years. Our first lawyer had no taste for office. Attractive in ways of chat, scholarly, intelligent, at home in classic lore or modern thought, a thorough jurist, observant of the country's men and laws and politics, quick

to see, faithful in memory yet shunning the crowd. He loved his home, his papers, and his books. With these he constantly communed. His library was the best in Davenport, and its owner knew its contents."

In regard to Judge Mitchell's library, we find: "He was one of the best-read men in the west. His library was the largest private library anywhere to be found, comprising the greatest works of philosophy and kindred subjects, history and general branches of learning and research."

Judge Mitchell would buy books at a sacrifice of other things that most men would prefer. His law library alone was a notable collection. At the time of his death one room in his house was entirely filled with files of newspapers in perfect order. Private files were then the only ones, so this collection alone was of great value. The most valuable of the files was that of the "Niles Register," complete, a periodical published in Baltimore during the period following the Revolution. Judge Mitchell acquired possession of this gradually and with great difficulty. After his death the "Niles Register" was given to St. Ambrose College. In the Davenport Academy of Sciences are bound volumes of the Burlington Hawkeye of 1843 and 1844, which are the very copies for which Judge Mitchell subscribed, for his name is written on every number.

As to Judge Mitchell's early practice of his profession, "Davenport Past and Present" may be quoted: "At that time what now constitutes Iowa was attached to Michigan, and until Wisconsin was formed, there were neither laws nor officers of any kind west of the Mississippi. For several years the principal professional business of lawyers in the territory was limited to litigation in regard to claim titles or 'squatters' rights.'" Judge Mitchell added to this species of practice somewhat in the courts of Rock Island County, which was at that time organized.



*Gilbert Chris Russell Mitchell,
from a portrait in "Davenport, Past and Present."*

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In regard to Judge Mitchell's library, we find: "He was one of the best-read men in the west. His library was the largest private library anywhere to be found, comprising the greatest works of philosophy and scientific subjects, history and general branches of learning, both modern."

Judge Mitchell would lay down at a sacrifice of other things that most men would prefer. His law library alone was a notable collection. At the time of his death one room in his house was entirely filled with files of newspapers in perfect order. Private files were then the only ones, as this collection alone was of great value. The most valuable of the files was that of the "Niles Register," complete, a periodical published in Baltimore during the period following the Revolution. Judge Mitchell acquired possession of this gradually and with great difficulty. After his death the "Niles Register" was given to St. Ambrose College. In the Davenport Academy of Sciences are bound volumes of the Burlington Hawkeye of 1843 and 1844, which are the only copies for which Judge Mitchell collected, for his name is written on every number.

As to Judge Mitchell's early practice of his profession, "Davenport Past and Present" may be consulted. At that time what now constitutes Iowa was attached to Michigan, and when Wisconsin was formed, there were neither laws nor officers of any kind west of the Mississippi. For several years the principal professional business of lawyers, ~~located in Davenport, Iowa~~ was litigation in regard to claim titles or ~~rights~~ ^{rights}. Judge Mitchell added to this species of practice somewhat in the courts of Rock Island County, which was at that time organized.





In regard to social life in the early days, we find that the Pioneer Ball holds an important place in the annals of Davenport. This was given at Mr. Le Claire's home, January 8, 1835. There were forty couples, frontiersmen, officers from the Island, etc. "Most of the frontiersmen wore the coarsest species of 'stogy boots,' making, as our informant says, 'a most infernal clatter.' The dresses of the ladies were generally rather more calculated to promote comfort than ostentation. The party danced until sunrise. The music was furnished by fiddles, from which no contemptible strains were occasionally drawn by Mr. Le Claire himself. Prominent among the merry dancers were G. C. R. Mitchell, A. McGregor, G. L. Davenport, Joe Conway, and last but not least, and by far the lightest dancer in the room, the now portly figure of A. Le Claire." To this account may be added the statement that Mr. Le Claire was said to have danced and played on his fiddle at the same time.

Among Judge Mitchell's earliest friends may be mentioned Messrs. James Thorington, Louis Macklot, and Harvey Leonard. Unlike many of those deeply interested in books, he was keenly interested in those around him. He was fond of good company, enjoyed billiards, and smoked a great deal, ordering long-stemmed clay pipes by the dozen. Day by day the young lawyer followed a certain routine, from which he rarely deviated. He led a very even, regular life.

CHAPTER VII.

APPOINTMENT AS MASTER OF CHANCERY—THE ROCKINGHAM CONTEST—FOUNDING OF ST. ANTHONY'S CHURCH—THE EARLY BAR—VARIOUS VENTURES—DEATH OF NATHANIEL MITCHELL.

There is still in existence a document executed February 15, 1837, by Henry Dodge, Governor of the Territory of Wisconsin, appointing G. C. R. Mitchell Master of Chancery for the County of Dubuque. The large paper seal is so old that the lettering on it is obliterated.

At the time that Davenport and Rockingham each sought to become the county seat, Judge Mitchell was nominated for Representative to the Legislature, but was defeated by the Rockingham candidate. In this contest for county seat feeling ran high. The towns of Le Claire and Duck Creek, now Bettendorf, also coveted the honor, for, of course, to acquire it would make a material difference in the development of the town. The accounts of the various elections held to decide the matter are highly amusing. In the first election a great many rough men, "gloriously drunk," came from Dubuque to cast their votes for Davenport. Davenport won by a handsome majority, but the affair was so scandalous that Rockingham contested the election. Another was held, and this time Rockingham won by more votes than there were voters. Eventually, Davenport won fairly. It was understood that the town gaining this honor should erect as fine a court house as that in Stephenson, now Rock Island, and the land for it should be given by the town. To quote one of the early accounts of the contest: "Davenport had her Le Claire, Colonel Davenport and sons, Judge Mitchell, James Mackintosh and brother, D. C. Eldredge, John Owens, and a host of others, men of means, talent, and influence." Judge Mitchell was said to be "largely instru-

mental in securing for Davenport the enviable distinction of being made the county seat of Scott County against the adverse claims of Rockingham."

St. Anthony's Church, the first erected in Davenport, was dedicated by Rt. Rev. Mathais Loras, Bishop of Dubuque, assisted by Very Rev. Samuel Muzzuchelli, May 23, 1839. It was then in the center of town, which location is now in the heart of the city. The little church is now a haven of peace in the rush and whirl of busy every-day life. To quote from "The Annals of Iowa:" "The Catholic Church of Davenport has undoubtedly, like others, had its day of darkness and trouble. A majority of the congregation are poor, but unlike all others it has its Le Claire, its Mitchell, and its Davenport. The land upon which all these Catholic churches are located has been donated by these gentlemen, who are not only wealthy but liberal with their means. They have ever stood with open hands to answer the calls of the church." Both Judge Mitchell and his father, Nathaniel Mitchell, subscribed to the building of the church. Judge Mitchell was not at this time a professed Catholic, but his father had been converted in the south by Bishop Loras.

To Judge Mitchell's descendants it is of interest to know that the first baptism recorded at St. Anthony's was that of George Meyers, the oldest son of George and Mary Clarke Meyers, of Stephenson. Mrs. Meyers was the oldest sister of Rose Clarke Mitchell, the wife of Judge Mitchell. The names of George L. Davenport, son of Colonel Davenport, and Sarah G. Clarke, another sister of Mrs. Mitchell's, are first in the marriage record. It was at their home that Rose Clarke lived from the time of her arrival in Davenport, at the age of eighteen, until ten years later, when she became the wife of Judge Mitchell. It may be added that the early records of St. Anthony's were remarkably well kept, and have been of great aid to those wishing to verify dates, especially regarding pensions. The records were entered accord-

ing to the rules which have been of late strictly enforced by the church, but which were not so strictly required in earlier days, and reflect much credit on the Rev. Muzzuchelli and the Rev. Pelamourgues.

The Iowa Sun of November 27, 1839, may here be quoted, as to the marriage of Mr. Davenport and Miss Clarke, mentioned in the above paragraph :

"Married.—On the 20th inst., by the Rev. Samuel Muzzuchelli, in St. Anthony's Church, Davenport, Iowa Territory, Mr. George L. Davenport, of Rock Island, to Miss Sarah A. Clarke, of Cincinnati, Ohio. Accompanying the above notice we received a goodly portion of wedding cake and a bottle of currant wine, manufactured by Colonel George Davenport on Rock Island in 1828, which for strength and flavor is not surpassed by the best sherry of our eastern cities. We tender our grateful acknowledgments, and wish them long life, health, and all the happiness this earth can afford."

St. Anthony's was for many years the largest public edifice in town, and was used by all large assemblies to deliberate on matters of public interest. The original church is now used as part of the school building. It was here that the first District Court met. Father Pelamourgues, the good priest in charge of St. Anthony's for many years, "deemed it no desecration of the holy place to have it temporarily used as a temple of justice."

The only business done at the court's first session was to admit several lawyers to practice. On motion of G. C. R. Mitchell, the following gentlemen were admitted: W. B. Conway, James Grant, Rufus Harvey, Simon Meredith, Edward Southwick, and J. Wilson Drury. On motion of Mr. Woods, Mr. Jonathan Parker was also admitted. Several of these lawyers became very prominent in the state. G. C. R. Mitchell and Jonathan Parker were the lawyers for the defendants in the first case docketed in the Scott County District Court. The answer of the defendants

is in the plain, leisurely-written hand of Judge Mitchell. A silver quarter was used as the temporary seal.

Of the personnel of the early bar Judge Dillon says: "Noted as the bar of Davenport has ever been for its character, talents, and learning, the present bar may look back with a sort of ancestral pride upon the first and oldest bar; Knox, the most eloquent jury lawyer I have ever heard; Drury, the judicious counselor; Grant, the intrepid and fearless advocate; Mitchell, the comprehensive and well-poised lawyer; Ebenezer Cook, whose judgment on legal questions and problems was as sure-footed as that of any man I ever knew; John P. Cook, a natural born trial lawyer, aggressive, bold, courageous, who, like General Taylor, was generally victorious, and who, like him, never knew when he was whipped."

An agreement was made October 9, 1838, by the members of the Scott County Bar, regarding the return of court notices. The document was written by G. C. R. Mitchell, and his was the first signature. The names of twelve lawyers are signed. The agreement reads as follows: "We, the undersigned, members of the Bar of Iowa Territory, agree to take no advantage in suits instituted to the next spring terms of the District Courts in said territory, of the omission to make the process returnable to any particular time or place, the same being made returnable to 'the first day of the next term of said courts.' G. C. R. Mitchell, James W. Grimes, W. W. Chapman, Rorer & Starr, Alexander W. McGregor, Woods & Starr, S. C. Hastings, Browning & Perin, J. M. Parker, Simon Meredith."

Among these men the order of ability was high, and several attained great distinction. James W. Grimes was the third Governor of Iowa, a member of several state legislatures, and a United States Senator. He was associated with S. C. Hastings in compiling the "Blue Book" of Iowa laws. Mr. Hastings served in

many legislative assemblies, and was at one time president of the council. In 1846, as the Democratic candidate, he was elected as Representative-at-large to Congress over G. C. R. Mitchell, the Whig candidate. Mr. Hastings was later the Chief Justice of the Supreme Court of Iowa. He went to California in 1849 and attained as great prominence in that state as here. William W. Chapman was the first delegate to Congress from Iowa in 1838. He was prosecuting attorney by appointment of the Governor of Michigan, when Iowa was part of Michigan. In 1836, when Wisconsin Territory was created, he was United States attorney for the territory, and was also a member of the first constitutional convention. Later he went to Oregon, and was one of the proprietors of the city of Portland in 1847. Alexander W. McGregor was one of the earliest lawyers hereabouts, and the claim is made that he was the first to come, antedating Judge Mitchell. Mr. Starr, of Rorer & Starr, was probably H. W. Starr. He was considered the most brilliant lawyer in the territory and, later, in the state. David Rorer was one of the strongest lawyers in the territory, and labored wisely and well in helping lay the foundations of our jurisprudence. James W. Woods, probably the Mr. Woods of Woods & Starr, had a gift of humor that gave him great popularity. The Mr. Browning, of Browning & Perin, is probably M. D. Browning, who practiced in Burlington, and was "as strong and forceful in his prosecution of causes as any of his compeers, quite in advance of many of them."

These were the men of the early bar of Iowa, and they cast a glow of distinction over Iowa's early history, when the state was only something more than a wilderness.

Judge Mitchell showed his faith in the possibilities of the community where he had cast in his lot by entering with enthusiasm into various enterprises, which in the nature of things were at the beginning largely experimental. In 1838 or 1839 a company was

organized which was called "The Rock River and Mississippi Steam Navigation Company." Judge Mitchell was one of the three directors, and the secretary of the company was George Meyers, of Stephenson (Rock Island), who was married to Mary Clarke, the oldest sister of Rose A. Clarke, whom Judge Mitchell married in 1852. "Davenport Past and Present" says it is not likely that those interested in this navigation company profited greatly in the venture.

The following extract from a letter written by Antoine Le Claire to Peter White Potter, associated with him in business, may or may not refer to the navigation company mentioned above. He says: "Cook and Mitchell are in a great hurry to have the canal company business arranged as soon as possible, as they think it dangerous to delay too long." The letter bears the date 1848, and at any rate refers to one of the navigation dreams that foreshadowed some of the realities of the present day.

Although the first county fair was not held until 1854, a call was put forth in 1840 by three men, one of whom was Judge Mitchell, to organize an agricultural society. A. W. McGregor was its first president, G. C. R. Mitchell the vice-president. This society was the forerunner of the one organized in 1853, under whose auspices the first county fair took place.

In 1840 Judge Mitchell suffered what was probably the first personal bereavement of his life, in the death of his devoted father, Nathaniel Mitchell, who died at the age of sixty-two. Through the letters he wrote his son, that are included in this record, we know him as the solicitous father and the brave man who said, when the cholera terrorized the Alabama people among whom he was living, "a soldier cannot run; I will stand my ground and count my beads. We have but one time to die; if prepared, it makes no odds, today or tomorrow." Previous to his conversion to Catholicity he was said to have been intensely

prejudiced against that faith. He was converted in the south by Bishop Loras, then a young priest, and died in the arms of the good Father Pelamourgues.

Of the burying ground, at the corner of Sixth and Le Claire streets, used at that time, J. M. D. Burrows says in his book "Fifty Years in Iowa:" "It was a miserable selection, and was soon abandoned. I officiated on two occasions while we buried there. The first was the burial of Judge Mitchell's father. It being early spring, we found the grave half full of water, and had to wait until it was bailed out. But the water came in so fast that the coffin was nearly covered before we could fill the grave."



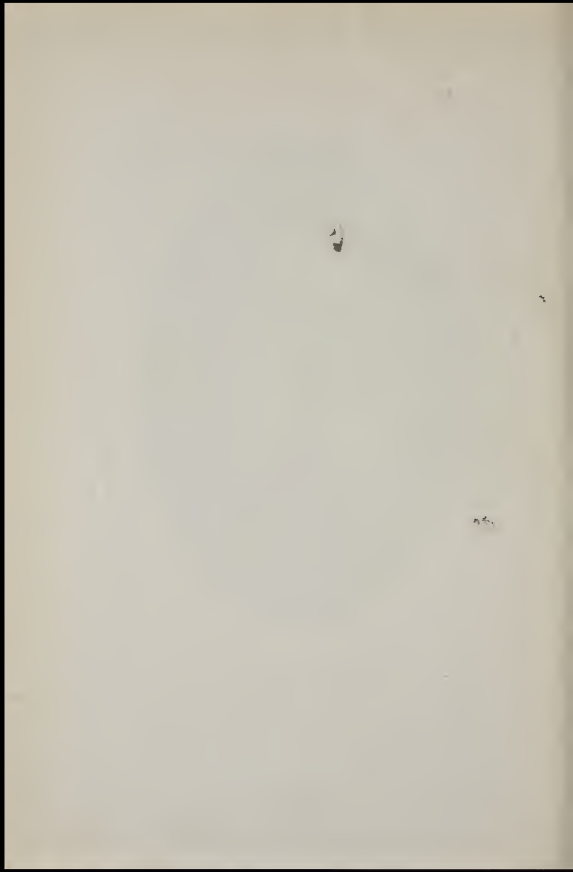
*Rose Anna Clarke Mitchell,
from a Daguerreotype.*

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CHAPTER VIII.

EARLY NEWSPAPERS AND POLITICS—MR. MITCHELL AS REPRESENTATIVE IN SIXTH TERRITORIAL LEGISLATURE—JOHN WILSON'S FERRY.

It can easily be understood that there were few newspapers in the early days. In fact, with modern facilities at our command, it is rather difficult to understand how the early newspaper business was carried on at all successfully. Most of the newspapers were published weekly or bi-weekly, and the printing of them was a momentuous affair. It was even later than the forties that one newspaper complacently stated that it was always made up the day before publication. Local news was apt to be stale by the time it was printed, and this probably accounts for the fact that there was usually little or no local news in the papers. It was not necessary to have it reach the reading public in that way. News of national interest was published, necessarily several days after its occurrence. Stories and jokes that appealed to an earlier generation had an honored place on the printed page, and local interest was restricted principally to advertisements. Among the first professional cards in the "Iowa Sun," which was published in 1839, were those of G. C. R. Mitchell, A. W. McGregor, J. W. Parker, and J. H. Thorington, all of whom were lawyers. This publication was succeeded by the "Davenport Gazette," published in 1841.

Among other advertisements of interest in the early newspapers was that of the Le Claire House, then Davenport's leading hotel. It was situated on the northeast corner of Second and Main streets, and the very building erected there originally was razed only recently to make way for the imposing Putnam building, that now towers above all other buildings thereabouts. The Le Claire House was a center of life and activity. It was a sum-

mer resort for southerners, who came up the river by boat. The climate of this locality was advertised as delightful, and the hunting and fishing offered attractive inducements. In the basement was a reading room—our present fine public library may be traced directly back to this.

Advertisements for lanterns emphasized their necessity in going about muddy streets after dark. Prices listed for the necessities of life show that a wagon-load of wheat was considered a fair exchange for a calico dress, two loads for a pair of boots. Eggs were six cents a dozen, dressed quail twenty-five cents a dozen. Proportionately to the amount of real money in circulation, these articles were almost as expensive as now.

It is interesting in this connection that the only time when money had to be paid was in taxes. These were almost never paid when due, as is now exacted, but whenever property owners had cash on hand. Everyone was land-poor, land being plentiful and money scarce. The officers of the court were obliged to wait until the taxes were collected before they could be paid for their services. Mr. David Burrows, one of the early settlers, who died only a few years ago, says that Judge Mitchell used to say to his friend, Harvey Leonard, the sheriff: "Get the taxes in, Harvey! We have to have some money!"

In the early forties—and thereafter—political partisanship caused feeling to run high. Elections were not conducted with the regularity and system which now prevail. It was as difficult to persuade some men to vote as it is now, but it was then equally difficult to restrain the enthusiastic from voting more than once at the same election. When it was necessary to send men home for their "papers" they did not always return, "voting, doubtless, in some ward where papers are not necessary," to quote one of the newspapers. In some places charges were occasionally made that the ballots of one party were secretly taken away and others sub-

stituted, bearing the name of a rival candidate. The "State Democrat" bids its subscribers, "Look closely to your tickets—take no ballots except from a known Democrat." Committees of vigilance were appointed for election days. The "Gazette" would always attribute Democratic victories to "the luke-warmness of the Republicans."

"Impartial" presentation of the speeches of rival candidates were laughable because of their patent partiality. For instance, on one occasion when Judge Mitchell was a candidate for office, his speech and that of the rival candidate were "impartially" presented as follows by a newspaper which was supporting—but surely it is unnecessary to say which :

"Mr. ——— occupied the floor first, in his style reminding us of one of those shallow streams which, flowing over an uneven bottom, makes a great noise and hubbub, but with little effect. Mitchell, on the contrary, was comparable to a deep river, flowing silently but effectually into the ocean with the products of labor borne upon its bosom."

Judge Mitchell never sought office, and would, in fact, have preferred not to hold it. But he had no patience with those who evaded public duties, and was particularly censorious of negligent court officers. When he was nominated for Judge, the "Iowa State Democrat" said: "Judge Mitchell is a man who never seeks office, and has never shown any desire for official honors, but such men are just the proper persons to be nominated, and they have no right to decline unless the sacrifice of accepting office is too great."

We have seen that during the Rockingham contest G. C. R. Mitchell was defeated as Representative to the Territorial Legislature by the Rockingham candidate. In 1843 he was again a candidate, this time running against Mr. James Grant, best remembered as Judge Grant. An amusing story is told of the two

judges, who were the best of friends. As Southerners, they both enjoyed what was known as "cock-fighting." Upon one occasion, when they were indulging their liking for this pastime, they were arrested. They paid their fines—and returned to the cock-fight!

In 1843 the "Gazette" supported Judge Mitchell as the Whig candidate for the office of Representative. When the Whig party dissolved, Judge Mitchell affiliated himself with the Democratic party, "in full faith in its nationality." The "Gazette" was then Republican, and opposed Judge Mitchell bitterly, though always referring to him as a gentleman of high standing and character.

The "Burlington Hawkeye" of September 21, 1843, said:

"The Whigs of Scott County held a convention on the 2d inst., at which G. C. R. Mitchell was unanimously nominated the candidate to represent that county in the next legislature. Mr. Mitchell is respected by all who know him. He is a gentleman of rare talents, good moral character, and is in every way qualified to promote the interests of Scott County in the legislature. James Grant, Esq., who was nominated by the locofoco convention, is his competitor. The Whig convention has issued an able address in which a strong appeal is made to the Whigs to be firm and united in support of their ticket. They declare that nothing else is wanting to secure success. We believe this, and hope that Scott County, which aspires to, and will probably be the manufacturing district of Iowa, will not so far forget her interests as to elect the anti-tariff candidate."

The "Gazette" says of the nomination:

"Judge Mitchell is so well known throughout the county as to render it almost unnecessary for us to speak of him. His character, public and private, is unexceptionable. He is a Whig, sound to the core, steadfast, and unwavering in all the upright and honest principles professed by his party. From his boyhood—for he was nurtured in Whig principles—has he been the same unflinching advocate of those high and lofty tenets which unite the

Whigs into a body. He is a good man and true man, and will use every honorable endeavor to advance your interests and propagate the measures of your party."

And again :

"Judge Mitchell is well known throughout the county as an able lawyer and an intelligent man, as one who, when he enters into the spirit of a measure, falters not until it is accomplished. We wish to see him elected by a handsome majority to show other counties that Scott *can* appreciate talent."

The valuation law was an important campaign issue. Judge Mitchell, when a candidate, made a speech setting forth his position regarding it. The following editorial in the "Gazette" quotes Judge Mitchell as follows :

"Mr. Mitchell said he deemed the object of this law was to benefit those who were involved at the time of its passage. Thus applied, he had been inclined to the opinion that it was unconstitutional. A case of mortgage had recently been taken to the Supreme Court of the United States from Illinois, and there decided unconstitutional. A parallel case, embracing contracts, would come before the next court, which, if similarly decided, would exclude contracts made prior to the passage of this law from its benefits. But, as applied to all contracts made since its adoption, he believed this law to be constitutional. 'As a Whig,' said Mr. Mitchell, 'I believe in the Whig principle of the right of instruction, and as a legislator I should never weigh my opinion in opposition to the will of my constituents. I have frequently been interrogated as to my views upon this law, and by inquiry I find that a majority of the people of this county are opposed to its repeal. Therefore, gentlemen, if I be sent to the legislature, unless otherwise instructed, I shall oppose the repeal of the valuation law.'"

Judge Mitchell was elected Representative of Scott County to the Sixth Territorial Legislature. Iowa City was then the capital

of the state. The old capitol building is now used by the State University as an administrative building, and is an imposing structure, even in its surroundings of newer and more magnificent buildings. Our information at hand regarding the work of the legislature during that session is very complete, as the "Journal," which records the proceedings of this assembly, and is considered a most valuable work at the State Historical Society in Des Moines, was very kindly placed at the disposal of the writer of this memoir by Mr. E. S. Harlan, the Curator.

If it be true that the life of a people is reflected in the laws they frame, and in the words of the Speaker of this Assembly, that "the legislation of our infancy is to tell upon our riper years," the record is indeed an important one. The Assembly convened December 4, 1843, and adjourned February 16, 1844.

The message of Governor John Chambers is very illuminating regarding conditions of that time. He begins by referring thankfully to the "exemption from disease" in the territory, attributing the causes of sickness in various localities to "recent emigration and the exposure incident to a want of comfortable homes." This great concern for health is expressed in many personal letters of the time. Evidently all the pioneers were not of the rugged type. The Governor urged ascertaining the wishes of the people in regard to forming a state constitution. This matter was taken up during the session and referred to a select committee, on which G. C. R. Mitchell served. It was decided to hold a general convention for the purpose, and a lively contest ensued as to the place for holding it, Judge Mitchell, of course, making a motion in favor of Davenport. This first constitutional convention was held in Iowa City before the next legislative assembly, but the constitution framed was rejected.

The Governor made reference to the removal of the Sac and Fox Indians to west of "the temporary boundary of Iowa," and

he deplored "the vicious habits" of the Winnebago Indians. He spoke urgently regarding the neglect of militia officers in reporting the number and equipment of their respective commands, thus making it impossible for the War Department to furnish them with the arms to which proper returns would entitle them, an important consideration "to the safety of our extensive and exposed frontier." Judge Mitchell was prominent on the committee to which this matter was referred, and it was his motion that practically changed the former text of the bill.

Judge Mitchell was on three standing committees, the Judiciary, Military Affairs, and Engrossing Bills. He was also on a committee of one from each electoral district to prepare rules for the government of the House. Later, a standing committee on the Library was appointed, on which Judge Mitchell served. Judge Mitchell's work on the Judiciary Committee, as the most important one, gave evidence of his great ability in legal matters. He was the chairman of a special committee to which was referred a bill to amend the law then in force regarding grand and petit jurors. The method of securing names of persons for jury service, as passed by the Sixth Assembly, is in the main the same as that followed at present. Apportionment of jurors to townships, the return of the required number of names by judges of election, and the drawing of the names by certain officers still survives. The many petitions from different counties praying for an amendment of the revenue law resulted in a complete scheme of taxation, specifying what should be subject to taxation, and authorizing the sale of property for the non-payment of taxes. Judge Mitchell served on a committee of three appointed to report on such alteration of the law regulating wills and administrators, as might be deemed necessary.

To the Judiciary Committee was referred a bill to district the County of Scott for the election of County Commissioners; a bill

to amend an act for the election of constables and also to define their duties; a bill relative to proceedings in chancery. Judge Mitchell was one of the two appointed as committee of conference regarding the last named bill. The Judiciary Committee dealt also with a bill to amend an act defining crimes and punishments. All these questions show more or less clearly the formative condition which then prevailed.

Among the petitions from Scott County presented by Judge Mitchell was one praying for the establishment of a "territorial road" between Davenport and Iowa City. The committee to which the matter of roads was referred recommended that "all persons work on them two days instead of one." Evidently the poll tax was then accepted literally. To illustrate the vagueness of boundaries then prevailing, the direction of one road was described as "on the Des Moines river to the Missouri line at the point where the Mormon trace crosses said line." Judge Mitchell introduced, also, a memorial to the Postmaster General for additional mail facilities. Most important of all was a bill he introduced for the purpose of abolishing imprisonment for debt, which was supplementary to a law previously passed.

Among the matters brought up at this session, which now seems thoroughly amusing, was a bill to repeal the charter of the Miners' Bank in Dubuque, and to provide for winding up the affairs of the same. The matter must have been of far-reaching importance, for in several counties petitions were circulated either for or against it. One petition denounced the bank as "an exploded and swindling concern." There was a petition from the citizens of Iowa City asking for the resuscitation of the bank, providing the stockholders paid to the Secretary of the Territory \$10,000 as a bonus "for the encouragement of the emigration of marriageable females from New England to this territory." The bank, however, was not "resuscitated," and the bill repealing its charter was passed.



*Fort Armstrong and Wilson's Ferry,
from an original painting in oil.*

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The legislature had heretofore granted divorces, but in regard to several applications for divorce, which were referred to the Judiciary Committee, a resolution was offered in the committee's report to the effect that in their opinion such matters should be brought before a judicial tribunal, rather than before the legislature. This report is voluminous, and shows the seriousness with which divorce was then generally regarded. This legislature did not succeed in permanently abolishing "legislative divorce," for a year later the "Davenport Gazette" indignantly stated that the House had passed several divorce bills during that later session.

Among the interesting miscellaneous petitions were several asking for the legalization of marriages performed by ministers who had no licenses. The penalties for this offense fell upon the ministers. There were bills to organize counties, permissions sought to build dams, and petitions for ferry charters. We are glad that the county named "Kiskakosh" was successful in having its name changed. Early in the session the Speaker of the House was authorized to grant the use of the legislative hall "to ministers of all professions, at his discretion, for the purpose of public worship on the Sabbath days." This, with the council's authorizing the Iowa City Fire Company, No. 1, to occupy one room in the basement of the capitol, illustrates strikingly the makeshifts of an earlier day. The record of the proceedings of the legislature forms a comprehensive index to the conditions of the time, conditions difficult to understand in this day when bridges, railroads, and well-defined laws are taken as a matter of course.

Of purely local interest was one of the petitions presented by G. C. R. Mitchell, in which the citizens of Scott County asked that the ferry charter of John Wilson be so amended as to allow him to keep a "swing ferry." "Wilson's ferry" is famous in the early annals of Davenport. Apropos of this must be mentioned the oil

sketch of the ferry house, which was painted for Judge Mitchell, and is now in the possession of his daughter, Mrs. William J. McCullough. The story of the sketch and its painter, John Casper Wild, is told in "Davenport Past and Present," as follows:

"In 1846 Mr. Wild, who continued residing in Davenport, painted a fancy sketch, of which it may be right to make a particular note, as it was the nearest approach to 'an artistical smile' of which Mr. Wild was ever known to be guilty. He had neither humor of his own, nor an appreciation of humor in others. He looked tragedy, thought tragedy, and his conversation, outside of business and art, was never more cheerful than tragedy. This little oil sketch represented three notable characters of the village, each of whom at that time was personally known to almost every man, woman, and child in the place. They were collected at the well-remembered ferry-house, near the equally well-remembered bell-post. The bell there suspended was then furiously jingled, often with disagreeable pertinacity, by those who wished to call the old ferry-man, Mr. John Wilson, from the opposite side. The ringer was generally considered under personal obligation to stand to his *post* some time, in company with his horse and vehicle, if he had any, to cross over, so that the ferry-man might with proper deliberation determine whether the skiff or horse-ferry-boat were required by the nature of the cargo. The large person of Mr. Le Claire sits in a buggy, to which is attached the notable old white horse that used to drag his master about the place. Close by stands Mr. Gilbert McKown, whose store was on Front street, a few steps distant, but whose burly figure and good-humored face, seen on any street, seemed a part and parcel of the town, and directly identified with its corporate existence. The third figure is Sam Fisher, as he was familiarly called by every acquaintance. He then lived in the house now owned and occupied by Mr. George L. Davenport, on the corner of Brady and Third streets. Sam Fisher was the *best* fisher in town, a good storyteller, who had a most marvelous memory of past times and incidents, of facts and dates, which, united to some peculiar eccentricities of character, exclusively and honestly his own, made him

a conspicuous character. One of his smaller eccentricities is shown in the picture. He is standing with his pants drawn up to the top of one boot, and down to the sole of the other—using a favorite gesture, and evidently doing the talking, of course. These three persons are now alive, and two of them continue residents of Davenport. The picture is in possession of Hon. G. C. R. Michell, who, by the way, ought to have figured in the painting."

The ferry-landing is a scene of special interest as the spot where the famous Black Hawk treaty was made, the trees shown in the picture are said to be the ones under which the treaty was signed.

CHAPTER IX.

NOMINATION AS CONGRESSMAN-AT-LARGE FROM IOWA—DEATH
OF ANN RHEA MITCHELL—LETTERS OF JANE RHEA SEVIER—
THE MEDICAL COLLEGE—LETTER FROM RT. REV. MATHIAS
LORAS.

In 1846 Judge Mitchell received the Whig nomination for Congressman-at-Large from Iowa. The "Davenport Gazette" of October 1, 1846, reported that both the Democratic and Whig conventions were held in Iowa City to nominate state officers, and that "so far as could be learned, both conventions passed off harmoniously." After naming those on the Whig ticket, the article added: "Of these we know Mitchell, Morris, and Smith to be honest and capable men, qualified in every particular to discharge the duties of the several offices to which they have been nominated." In a later number, the following appeared editorially: "G. C. R. Mitchell, Esq., is so well and favorably known from his long residence in the territory—having lived here when it was embraced in that of Wisconsin—that it is needless for us to speak of his qualifications. As a jurist, a scholar, and an honest man, we doubt if Mr. Mitchell has a superior in the territory. The Whigs can rest assured that in him they will find a faithful exponent of their principles. As representative from this county to the legislature he gave general satisfaction." Judge Mitchell was defeated at the polls by Mr. Serrance C. Hastings, the Democratic candidate.

Mrs. Ann Rhea Mitchell, Judge Mitchell's mother, died September 16, 1848. Death came very suddenly in the night, and her son suffered a severe shock in her loss. He was very devoted to his mother, and several days passed before he could fully realize that she had been taken from him. Their home was located where now the Masonic Temple stands. Mrs. Mitchell was a devoted

Presbyterian. In the records of the Presbyterian Church in Davenport her name is mentioned as "a mother in Israel." When the Presbyterian Church was first organized, in 1839, she was one of the ten charter members, and helped in building the first chapel. About 1842 many of the members became discouraged by the slow progress made in church affairs in this pioneer country, so disbanding was suggested. It was Mrs. Mitchell who inspired the little band with courage to continue their efforts to establish their church firmly, by the declaration that she would stand by the church while there was a shingle left.

Extant are two interesting letters written to Mrs. Mitchell in 1848 and 1849 by her sister, Mrs. Jane Rhea Sevier, the wife of Dr. Samuel Sevier. The second of these letters was written after Mrs. Mitchell's death. There is a great deal of pathos in the eagerness expressed for a meeting, a wish which was not to be fulfilled in this life. These letters are especially interesting to the descendants of Ann Rhea Mitchell and her son, G. C. R. Mitchell, because of the mention of various members of the family connection. Margaret Clayton was before her marriage Magaret Rhea; Sister Barclay was Mary Rhea.

LETTERS TO MRS. ANN RHEA MITCHELL FROM MRS. JANE RHEA
SEVIER.

"RUSSELLVILLE, ALABAMA, June 26, 1848.

"I received your affectionate letter dated May 10th. I received a letter from Margaret Clayton not long since stating she had not heard from you since last fall. She was anxious to know if I had heard from you. She expects her father and mother to visit her this fall, if their health will permit. I received a letter from Sister Wear a few weeks past. The family were well at the time she wrote, but had had the misfortune to lose one of the daughters, who left a family. Sister Wear wishes to visit her children in the fall, but she is quite timid about traveling. She wants me to go to Carrollville to see her there. Her son, Archibald Wear, is

living near Carrollville. He came to see us last winter, and was taken sick while here. He was with us nearly two months. I think he is a fine young man, and an excellent physician. I wrote Sister Barclay early in the spring, but have received no reply. Our family is now small. We have two sons and one daughter with us. Of my five daughters three are dead. Since I last wrote you my daughter, Margaret, has married a very respectable gentleman of this place. My son, Benjamin, was married on the 9th of last March. His wife is quite an interesting lady. All but the four youngest of my children are now married.

"You wrote me to have plenty of sweet potatoes when you came. I think we will have a large quantity this season, both Irish and sweet potatoes. We raised such a fine crop last year that we had plenty this June. Our peach and apple trees are laden with fruit. My dear sister, if I were certain that you and Gilbert would come to Russellville, how I would rejoice to see my favorite sister and her only son, a child to whom I was so much attached. Do come this fall without fail. We were all very much disappointed that you did not come in the spring. Dear sister, take courage. I hope the God of heaven will be with you and protect you on your journey. I am afraid that Gilbert has become so attached to Iowa that he is not anxious to come. If we live to see each other, I would be glad if things could be so arranged that we would not be separated for the few days we have to live. And, my dear sister, if we do not see each other soon, I am afraid we never will on this side of the grave. I know there is a heaven of happiness, where all the saints meet, and I know that you and I will be among the happy if we are faithful to the commandments of our Heavenly Father. But I have a great desire to see you once more in this world, as so long a time has passed by since we met.

"The Doctor's health is not very good, though he still continues to practice. My health is very good for one of my age. You must write to me shortly and let me know when you intend starting for here. The family joins me in love to you and Gilbert. May the Lord bless and protect you, is the sincere prayer of your affectionate sister."

"September 12, 1849.

"I have been anxiously waiting to hear from you ever since I last wrote you, but it seems that I have waited in vain. Now, my sister, though we have been deprived of seeing each other face to face, it would seem we ought to enjoy the privilege of hearing from each other once a year. Life is so uncertain and there are so many diseases pervading the land, how could we feel otherwise?

"We are all enjoying tolerable health except my husband. His health has been on the decline the last year or two. He has kept his bed the last six weeks, and I am almost ready to despair of his ever getting up again. My youngest daughter is married, and I am left alone. This was no little trial on my feelings, but I gave her up more willingly than I would otherwise have done, in the hope that you would come, and we would be privileged to spend the remainder of our days together, for this is my soul's desire. If you could not stay here with me, if it were possible, I would return with you to Iowa. You cannot imagine what pleasing hopes I had, when you promised to come and see me, nor do I yet feel willing to give them up. I still look for you, and will continue to do so until I hear otherwise. I am ready to conclude there is some failure on the part of the mails, so I will continue to write, and hope you will do the same.

"I wish to know if Gilbert has a family, as you have never told me in any of your letters. Tell him the family all send love, and hope he will be so kind as to come to see us.

"May heaven bless you, my sister, and if we should not see each other on this earth, may we meet where time and distance are not known, and the faithful are forever blessed."

Of historic interest is the following letter to Judge Mitchell, written by the Right Rev. Mathias Loras, the beloved pioneer Bishop of Dubuque, in whose diocese Davenport then belonged. It relates especially to the medical college established in Davenport in 1848, which held two sessions, 1848-49 and 1849-50. Both of these sessions were held in what was known as the Forrest building, on the southwest corner of Brady and Third streets.

Nothing ever came of the project to buy a lot and erect a building for the medical college.

Attention may be called to the mention made of Judge Mitchell's thinking of going to California during the "gold rush." Bishop Loras advised him not to do so, and says that "a peaceable gentleman like yourself would feel no pleasure in that new, unsettled region." This reminds us of Judge Dillon's observation: "I wonder how it happened that a quiet, scholarly gentleman like Judge Mitchell was attracted to the pioneer life in Iowa." Perhaps this trait in Judge Mitchell, which seems at first glance to be foreign to his real nature, was in reality a characteristic that gave balance to his disposition; had he been utterly wrapped up in the intellectual life, his personality might have been one-sided, his character have lacked poise.

FROM RIGHT REV. MATHIAS LORAS TO G. C. R. MITCHELL.

"THE BISHOPRIC OF DUBUQUE, January 12, 1849.

"I have received your favor dated the 6th inst., and read it attentively. Here is my answer: I agree with you when you say that the prosperity of Davenport will be much enhanced by the establishment of that medical college in its midst. So I am willing to co-operate in the undertaking.

"I prefer leasing the house for three years rather than selling it. One of my chief reasons for adopting that resolution is that the means of the people would probably not permit them so much to buy as to finish and rent it. I would consent to the alteration proposed, provided it does not injure the building, as the motions and evolutions of the students will shake it sufficiently. I leave to Mr. Pelamourgues and you to determine the price of the rent. I willingly give up the amount for the first year to help in the finishing. Please write to me again to let me know the result of your deliberations, then I shall give my definite word.

"I would not like to see you go to California, as the crowd of people is to be such there that a peaceable gentleman like you would feel no pleasure in that new, unsettled region. Besides



*Colonel Davenport Homestead,
on Rock Island Arsenal, from a carte-de-visite.*

Nothing ever came of the project to buy a lot and erect a building for the medical college.

Attention may be called to the mention made of Judge Mitchell's thinking of going to California during the "gold" rush. Bishop Loras advised him not to do so, and says that "a peaceable gentleman like yourself would feel no pleasure in that new, unsettled region." This reminds us of Judge Dillon's observation: "I wonder how it happened that a quiet, sedate gentleman like Judge Mitchell was attracted to the pioneer life in Iowa." Perhaps this trait in Judge Mitchell, which seemed at first glance to be foreign to his real nature, was at bottom a characteristic that gave balance to his disposition; had he been entirely wrapped up in the intellectual life, his personality might have been one-sided, his character have lacked poise.

FROM RIGHT REV. MATTHIAS LORAS TO G. C. R. MITCHELL.

"THE BISHOPRIC OF Davenport, January 12, 1849.

"I have received your favor dated the 6th inst., and read it attentively. Here is my answer: I agree with you when you say that the prosperity of Davenport will be much enhanced by the establishment of that medical college in the midst. So I am willing to co-operate in the undertaking.

"I prefer leasing the house for three years rather than selling it. One of my chief reasons for adopting that resolution is that the means of the people would probably not permit them so much to buy as to finish and rent it. I would consent to the alteration proposed, provided it does not injure the building, as the motions and evolutions of the students will shake it sufficiently. I leave to Mr. Pelamourgues and you to determine the price of the rent. I willingly give up the amount for the first year to help in the finishing. Please write to me again to let me know the result of your deliberations, then I shall give my definite word.

"I would not like to see you go to California, as the crowd of people is to be such there that a peaceable gentleman like you would feel no pleasure in that new, unsettled region. Besides





that you have, my dear friend, to do something very important and indispensable for the salvation of your immortal soul. When will you, at last, send for me for it? Your days pass away, the eternity approaches rapidly, and it is to be endless.

"My best compliments to Mr. Pelamourgues and all my friends at Davenport."

CHAPTER X.

MARRIAGE OF G. C. R. MITCHELL AND ROSE A. CLARKE—"THE IONE"—LAW PARTNERSHIP WITH CHARLES E. PUTNAM—PROSPERITY AND GENEROSITY OF JUDGE MITCHELL.

The marriage of G. C. R. Mitchell and Rose Anna Clarke took place Wednesday evening, April 14, 1852, the ceremony being performed by Rev. A. J. Pelamourgues. Miss Clarke was the daughter of William and Catherine Fitzsimmons Clarke. She was born December 23, 1823, in the parish of Killey, near the town of Tullamore, King's County, Ireland. Her father was of Danish, her mother of Scotch descent. When Rose Clarke was very young the family went to Canada, the father serving in a British regiment. He was called to Cincinnati, Ohio, on business, and instead of returning to Canada as he expected, he changed his plans and decided to live in the United States. He settled in Brown County, near Cincinnati. Here Rose Clarke spent her childhood.

The oldest daughter of the family, Mary, married George Meyers, one of the earliest settlers of Stephenson (Rock Island), and another daughter, Sarah G., married George L. Davenport, a son of Colonel George Davenport, for whom the city was named. John Clarke, a brother of Mrs. Mitchell, lived in Davenport for a time, but later returned to Ohio, where he is now living (1915).

When Rose Clarke was eighteen years of age she came to Davenport to make her home with her sister, Mrs. George L. Davenport. She traveled by steamboat from St. Louis. This was in 1842. It is interesting that Judge Mitchell was the first gentleman she met upon her arrival, and that Mr. Davenport pointed him out to her as the most eligible bachelor hereabouts. In her later years she talked a great deal of "the Judge," and would tell her grandchildren quaintly that he often said "he liked her from the first."

The fame of her beautiful voice had preceded her, and the evening of her arrival she was taken to the home of Colonel Davenport on the Island to sing for the friends who had gathered there to welcome her. Colonel Davenport and his friends were in the habit of rowing across the river from his home to Davenport. His home, which in its state of preservation, shows that it was a beautiful example of colonial architecture, was then a very fine mansion, and was noted for being a gay and hospitable center of social life.

For ten years Rose Clarke lived at the home of her sister, Mrs. George L. Davenport, which was situated on the northeast corner of Brady and Third streets, the grounds extending east for quite a distance. During that time Miss Clarke was prominent in St. Anthony's choir, famous in the annals of early Davenport. The "Half-Century Democrat," published in 1905, said of this: "The choir, to which belonged Judge Mitchell, A. Le Claire, Joseph Motie, John Clarke, Miss Rose Clarke, Mrs. Margaret Hebert, Mary Finch, and others, was taught by the Father. There was no organ and no melodeon in those days, but they had a flute, clarinet, cello, and violin, and made the best music in the state." Judge Mitchell was an excellent flute player. He had learned in boyhood to play the violin, and taught himself to play the clarinet. Later, when St. Anthony's acquired a melodeon, Miss Clarke played accompaniments for the choir, singing while she played. Some of the old residents of Davenport still love to talk of her beautiful voice. She sang a great deal with Miss Alice Disney, later Mrs. Suiter, of Le Claire. At that time, when that portion of Davenport which is now down town was mainly a wooded valley, St. Anthony's choir could be heard across the river, the clear voices carrying their tones unimpeded by high buildings. Captain Clark, of Buffalo, who for several years before his death, a few years ago, was the oldest member of

the Old Settlers' Association, said that in pioneer days he would see from his home on Fifth street Judge Mitchell accompanying Miss Clarke each Sunday to the north entrance of St. Anthony's, which led directly to the choir loft. Besides possessing many other accomplishments, Miss Clarke was a skillful horse-woman, and rode a great deal in her girlhood.

The "Davenport Gazette" gives the following account of the wedding of Miss Clarke and Judge Mitchell:

"Married.—On Wednesday evening, the 14th inst., by the Rev. A. J. Pelamourgues, G. C. R. Mitchell, Esq., to Miss Rose A. Clarke, all of this city. We record with pleasure the above interesting item. Our friend, G. C. R., has so long been esteemed the strictest among the incorrigibles, that it requires a draft upon the imagination to regard him in the light of a Benedict. Many thanks for their kind remembrance. May roses cluster thick around their pathway, and they be led to exclaim with Cowper: 'Domestic happiness, thou only bliss of paradise, that has survived the fall.'"

Though Judge Mitchell's marriage did not occur until four years after his mother's death, Mrs. Ann Mitchell during her lifetime was very fond of Miss Clarke, and was in the habit of referring to her as "my Rose." In Mrs. Rose A. Mitchell's later years, when her permission was asked to name a new granddaughter for her, consented only upon condition that if the name of "Rose Anna" were given, the name "Rhea" should be added, so that her name and Judge Mitchell's mother's name might be combined in the name "Rose Anna Rhea."

Judge Mitchell's wife was as fervent a Catholic as his mother was a Presbyterian. He was deeply interested in his wife's faith. His father, as previously mentioned, was a convert to Catholicity. In Judge Mitchell's library was an imposing array of Catholic works. He, with Colonel Davenport and Antoine Le Claire, is considered one of those whose generosity to the church made it possible for it to be firmly established in Davenport. And during

his life-time he followed the observances of the faith. In the letter from Bishop Loras, included in a previous chapter, the good Bishop expressed the heartfelt wish to receive Judge Mitchell into the church, offering to come from Dubuque for the purpose. Judge Mitchell was desirous of becoming a Catholic at the time of his marriage, but Father Pelamourgues urged him to wait, in order to give his resolution the test of time. Later Judge Mitchell decided to become a Catholic before his death, with the idea that then he would be "more worthy." This wish was fulfilled.

Judge Mitchell and his bride went to his beloved south for their wedding trip. Captain Clark says that while in St. Louis they spent a thousand dollars in furniture for their new home, which was then considered a very unusual outlay. Most of this furniture was handsomely carved mahogany. Mrs. William J. McCullough, the daughter of Judge and Mrs. Mitchell, has in her possession a mahogany rocking chair of fine proportions and dignified design, which she prizes as a wedding gift to her parents from Mr. George L. Davenport. Judge Mitchell wished to have no furniture in his home save rosewood and mahogany, and he wished his wife always to wear silk gowns.

For a time Judge and Mrs. Mitchell lived on the west side of Main street, between Fourth and Fifth streets. The house was double; in the other half lived Mr. Austin Corbin, the banker, who became a figure of national importance. To quote Mr. Charles Grilk: "The transportation dreams of our financier, the late Austin Corbin, are just beginning to be realized." Later Judge Mitchell and his family lived on the corner of Marquette and Eighth streets, where one of the city schools now stands. Separate from the house, but on the same ground, was his office. This was the southern custom of building. At that time it was Judge Mitchell's wish to live on one of the beautiful bluffs he owned further north, but he was deterred because of the difficulty of obtaining water there. The iron pipes used when he attempted

to have a well dug may still be seen on Mitchell's bluff. There were two cisterns at the Marquette street home, one out-doors, the other in-doors, after the southern custom. Afterward Judge Mitchell built a fine home on the present location of St. Mary's Home. Mrs. Mitchell and Mrs. Davenport, the Clarke sisters, were considered the best housekeepers in Davenport. Mrs. Mitchell was an accomplished needle-woman, and many examples of her fine work are treasured by her descendants. The quaint sewing machine she owned is a very interesting relic. Judge Mitchell and his wife were the parents of six children, Nathaniel Stephen, Henry M., Anna M. E., Mary Catharine, Josephine M., and Martha M. Mitchell.

In 1854 we find Judge Mitchell engaged in a new venture. The "History of Scott County" gives the following account of it:

"The only competition the firm of Spencer, Robinson & Co. (ferry) ever had was in 1854-55, when Judge Mitchell and C. S. Whisler, having obtained a ten years' charter from Iowa, put a boat of their own upon the line. In the winter of 1854-55 they made an effort to obtain a charter from the Illinois legislature, but failed. Having authority to carry but one way, the business was unprofitable, but keeping up a bold front, they sold out their Iowa franchise in 1855 to Spencer, Robinson & Co., for \$2,000, and afterward sold their boat to an irresponsible party, and never got a cent for it."

It may be added that the receipts among Judge Mitchell's papers for expenses connected with this boat were legion, one of the papers showing it was called the "Tone."

When Mr. Charles E. Putnam came to Davenport, in 1854, he studied law in Judge Mitchell's office, and later became his law partner. This partnership, under the name of Mitchell & Putnam, existed until 1857, when G. C. R. Mitchell became District Judge.

At this period Judge Mitchell was considered a very wealthy man. In 1855 no one in Davenport was assessed upon a valua-

tion so high as half a million dollars, but the holdings of men far below this mark would today, with the increase in property valuations, be of enormous value. Antoine Le Claire headed the list with \$335,649, with Cook & Sargent next, followed by G. C. R. Mitchell. Then came George L. Davenport, J. M. D. Burrows, A. C. Fulton, Nicholas Fejervary, and A. Churchill, in the order named. All of these men were assessed upon a property valuation of at least \$50,000. Mr. F. H. Griggs, who as a young man knew Judge Mitchell, says: "He owned quite a large tract of land north of his residence, including what was called Mitchell's Bluff, for which it was understood he had refused an offer of what was considered a large amount in those days—1855-56." Judge Mitchell's real estate was sold in part as various additions to the city. Addition after addition bears the name of Mitchell; the latest addition, belonging to Judge Mitchell's daughter, Mrs. Wm. J. McCullough, bears the name of "Rosedale," in honor of Judge Mitchell's wife, Mrs. Rose A. Mitchell. Mitchell street took its name in this way, and Mitchell's Bluff will probably always be thus known.

Judge Mitchell was very generous with his wealth. His wife was a Lady Bountiful, and those in distress knew that an appeal made to either Judge or Mrs. Mitchell would not be unanswered. Judge Mitchell would give money in some instances as a loan, knowing it would never be repaid. When he died there was \$60,000 due him that was never collected.

A fruitful field for this generosity was found in the church. The firm establishment and upbuilding of the various Catholic institutions in the city owe not a little to the interest and help given in the early days by Judge Mitchell and his wife, who as a widow continued these benefactions. When the German church, known as St. Kunigunda's, was built in 1855, Judge Mitchell gave the land on which it stood. The original building is now used as the school house. Judge Mitchell gave, also, the

land for the new church building, which stands beside the old one. When the Rev. Anton Niermann, as a young priest, was sent to Davenport to become the pastor of the German church, he made his home at the first with Judge Mitchell. After Judge Mitchell's death, Mrs. Mitchell was exceedingly generous to St. Mary's Church, and in recognition of her helpfulness she was permitted to select the name for the church. In the deed given by Judge Mitchell for the old Davenport grave-yard—for years used by St. Mary's as the parish cemetery—for which a consideration was made by Bishop Loras, it is interesting to see that Judge Mitchell promised to have a road constructed from the town of Davenport thereto of sufficient width for carriages to pass. What we now regard as one of the oldest parts of the city was then very new. This was in 1849.

Judge Mitchell's further interest in Catholic institutions is attested in "The Annals of Iowa," where we find the statement: "An academy for young ladies was also opened this fall (1859), in a beautiful building erected in West Davenport on the ten-acre lot donated to the Sisters of Charity by the Hon. G. C. R. Mitchell and George L. Davenport, Esq." This academy became known as the "Immaculate Conception Academy." Later the Sisters of Charity sold this land to the Sisters of Mercy for hospital purposes. This was the nucleus of Mercy Hospital, which ranks among the best in the middle west. The Sisters of Charity moved the academy into the city, where first they bought the house now owned and occupied by Mr. and Mrs. E. H. Ryan, later removing to the present location on Main and Eighth streets.

Judge Mitchell's benefactions to the church were so notable that the good Father Pelamourgues, with a true priest's humility, said that Judge Mitchell had done more for the church than he himself had done.



Josephine Mitchell McCullough.

land for the new church building, which stands beside the old one. When the Rev. Anton Schindler, a young priest, was sent to Davenport to become the pastor of the German church, he made his home at the time with Judge Mitchell. After Judge Mitchell's death, Mrs. Mitchell was exceedingly generous to St. Mary's Church and in recognition of her helpfulness she was permitted to select the corner for the church. In the deed given by Judge Mitchell for the old Lutheran graveyard—for years used by St. Mary's as the parish cemetery—for which a consideration was made the Bishop, Father, is so desirous to see that Judge Mitchell prevailed to permit a road to be opened from the town of Davenport across of soldiers' graves, an obsequy to pass. What we now regard as one of the finest highways the city was then very new. This was in 1846.

Judge Mitchell's interest toward the Catholic institutions is attested in "The Annals of Iowa," where we find the statement: "An academy for young ladies was first opened this fall (1859), in a beautiful building erected in Iowa Davenport on the ten-acre lot donated to the Sisters of Charity by our Hon. G. C. R. Mitchell and George L. Davenport, Esq." This academy became known as the "Immaculate Conception Academy." Later the Sisters of Charity sold this land to the Sisters of Mercy for hospital purposes. This was the nucleus of St. Mary's Hospital, which ranks among the best in the middle west. The Sisters of Charity moved the academy into the city, where first they bought the house now owned and occupied by Mr. and Mrs. E. M. Ryan, later removing to the present location on Mary and Eighth streets.

Judge Mitchell's benefactions to the church were so notable that the good Father Pelagius, a young priest's humility, said that Judge Mitchell had done more for the church than he himself had done.





CHAPTER XI.

THE DEMOCRATIC CLUB—ELECTION AS MAYOR—CAMPAIGNING
FOR BUCHANAN—ELECTION AS JUDGE—RESIGNATION FROM THE
BENCH—RAILROAD CONVENTION—COOK & SARGENT'S BANK
FAILURE.

In the short space of time from 1855 to 1857 Judge Mitchell's activity in public life reached its height. The old files show that a meeting of Scott County Democrats was called by G. C. R. Mitchell, G. E. Hubbell, and others, March 1, 1855, for the purpose of forming a Democratic Club. Mention has previously been made of Judge Mitchell's identifying himself with the Democratic party, when the Whig party dissolved. Just what this Democratic Club accomplished or attempted to accomplish is not a matter of record. Doubtless it was organized for the purpose of strengthening the party in Scott County.

The personnel of the City Council in 1855 included some distinguished names—Austin Corbin, Hiram Price, Ebenezer Cook, George E. Hubbell, and G. C. R. Mitchell. Mr. Hubbell, who is now the veteran member of the Scott County Bar, makes some interesting statements regarding municipal conditions of that time. He says the city was plunging into bonded indebtedness beyond its constitutional limit, for the purpose of building a city hall, water works, and macadamized streets, etc. It became plain that if improvements were made at so rapid a rate the city would soon be hopelessly in debt. Mr. Hubbell says that Judge Mitchell pursued a very conservative course in this regard, as he did in other matters, and in all his votes as alderman he opposed increasing the city's indebtedness.

To this information Mr. Hubbell adds a few personal impressions. He says that Judge Mitchell was quiet, dignified, and courtly, always polite and agreeable. He abhorred crookedness

in all its phases, and censured it sharply in legal practice. He was rarely angry, but would wax indignant over neglect of public duty in a jury or court officers. His restraint was admirable. In manner rather than words he conveyed displeasure. His sense of humor was very keen. Mr. Hubbell remembers Judge Mitchell as always carrying a gold-headed cane.

To this impression of Judge Mitchell may be added that of Mr. F. H. Griggs, who recalls him as a younger man recalls one older than himself. Mr. Griggs says: "As I remember him, he was rather tall and spare, fine-featured, of light complexion, dignified, and reserved in manner."

For one service which Judge Mitchell performed for the city which was so long his home, we may turn to the history of *The Davenport Democrat*, appearing in the files of that paper for 1879 and reproduced in its *Half-Century* edition, in 1905. It is from the pen of Mr. D. N. Richardson, long the editor of *The Democrat*, and relates how in 1855, when the writer was employed setting type for the *Peoria Evening News*, Judge Mitchell called on the publisher of the *News*, seeking some one who would come to Davenport and start a daily paper. The *Weekly Democratic Banner* was for sale, and support was promised by leading citizens of the town to anyone who would come to Davenport, buy the plant, and make a daily paper of *The Banner*.

The result of Judge Mitchell's mission to Peoria was, that Mr. Richardson was recommended by Mr. Raney, publisher of the *Peoria News*, as the type of a young man Judge Mitchell was in search of. Mr. Richardson was called into the conference. He was soon in Davenport, as the publisher of projected daily, rechristened the *Iowa State Democrat*. Four years later he was joined by his brother, J. J. Richardson, still (in 1915) the publisher of *The Democrat*. Thus to Judge Mitchell belongs the credit for bringing to Davenport the Richardson brothers, and the

group of kindred and friends that they later attracted to his city. It was not one of the least of his services to the city whose foundations he helped to lay.*

Judge Mitchell was nominated by the Democratic party for Mayor in 1856, and for awhile there was no opposition candidate, though the "Davenport Gazette," as a Republican organ, opposed him sharply, admitting, however, that his "manner and forensic accomplishments qualified him to receive and address distinguished strangers." Later Mr. Ebenezer Cook accepted the nomination as independent candidate. Judge Mitchell was elected. As Mayor he continued his policy of restricting the city's bonded indebtedness, appointing as a committee to commence action enjoining the continuance of this policy Messrs. A. Le Claire, Willard Barrows, and Judge Grant, with Mr. G. E. Hubbell as attorney. The action succeeded, and the injunction was made perpetual.

The portrait of Judge Mitchell, that has been placed among Davenport's Mayors, is taken from one of his later pictures, and shows him wearing a full beard.

Major H. C. Connelly, of Rock Island, remembers touring Rock Island County in 1856 with Judge Mitchell in support of Mr. Buchanan's candidacy to the presidency. Major Connelly says:

"I knew Judge Mitchell personally more than fifty years ago. He had a number of pleasant acquaintances in Rock Island, whom he called to see at intervals. During these visits I met him repeatedly, socially and politically. He was a fervid Democrat. I remember touring Rock Island County with him. He was a warm and active advocate of Mr. Buchanan's election. In appearance he was a man of fine physical proportions, very neat in his attire, and wherever found was always received as a cultured and accomplished gentleman. He was refined in his manner, and socially one of the most pleasant companions. As a lawyer he

*The above interesting event was related to the writer by J. J. Richardson, and is made a part of this "Memoir" with his approval.

ranked with the best. His opinion on a legal point was highly respected and always carried weight."

In the spring of 1857 a bar convention held at Lyons offered Judge Mitchell the nomination for Judge of the Fourteenth Judicial District, then newly formed. Judge Grant and Mr. John P. Cook were present at this meeting. The nomination was offered to Judge Mitchell as an independent candidate. The plan to keep the office of Judge out of politics, attempted then for the first time in the locality, is followed at the present time. Later a Republican candidate was nominated, Mr. S. J. Mills, of Clinton County. In the "Iowa State Democrat" the following appeared editorially: "G. C. R. Mitchell is too well known in all the three counties in this district to render it necessary to speak of his abilities. He has one of the best judicial minds of any man in the district, and he is the soul of honor. His most intimate and dearest friend could never move him to any act of partiality so long as he should wear the ermine. So spotless is his reputation in this respect that no man will be found with hardihood enough to question it." The "Rock Islander," another newspaper, characterized G. C. R. Mitchell as a man "of eminent qualifications for the post to which he has been nominated." The "Davenport Gazette," however, insisted on trying to make the election a party one, claiming that the nomination by the bar had been procured for Judge Mitchell through a trick of the Democrats. Judge Mitchell was elected by a handsome majority, though in the other results of this election the Republicans had a large majority, which showed that the effort to take the office of judge out of politics had been successful.

Though Judge Mitchell resigned from the bench in the fall of the year when he was elected, he left a strong and lasting impression. "Davenport Past and Present" has the following to say:

"As a jurist, Judge Mitchell takes a high place—he is profoundly discriminative—a keen, careful analyst, and one whose deductions are always reliably correct. His mental processes are seemingly slow, but in reality rapid, for while others would dash to a conclusion (often the wrong one), with an imperfect view of a few contiguous facts, he traverses the whole ground, omitting nothing, however seemingly trivial or great; and although he may be twice as long in evolving a question as another, he performs ten times the labor, and his conclusion is in the same proportion more worthy of credence. If he has one trait more prominent than another, it is his thorough *comprehensiveness*—his ability to include everything in his examination of a subject. Add to this a nice, instinctive, and cultivated perception of the character and weight of a fact, and one may see why he rarely goes wrong or commits errors in conclusions."

Mr. G. E. Hubbell says Judge Mitchell was a most excellent, impartial, and able judge, not in any sense emotional, but conservative, deliberate, cautious, and rarely mistaken. None of his decisions was ever overruled, which constitutes a remarkable record. "Courts and Legal Professions" says of Judge Mitchell: "He exercised a potent influence upon the jurisprudence of the territory and of the state. He was a man of high character and wielded a most healthful influence in all public and social affairs." Elsewhere we find the statement: "He stood the peer of the greatest men of his time in Iowa."

Captain Clark, of Buffalo, says that Judge Mitchell was an excellent speaker, but made no claims to oratory. He exercised restraint and dignity, along with thought and sense. He was slow to anger, but when roused his eyes fairly blazed. Once when a jury failed to bring in a verdict he was highly incensed, and in dismissing the jurymen told them they were "no jury." He heartily disliked profanity, rejecting it as he did all things opposed to good taste.

At the time of Judge Mitchell's retirement from the bench one of the newspapers said: "Judge Mitchell leaves the bench with the good wishes of his numerous friends. His decisions have been just and impartial, and thus have won for him the full confidence of the bar." Another paper stated that Judge Mitchell left the bench with the intention of removing to the south to live. If he ever had this determination he soon gave it up. He had traveled frequently in the south during his life in Davenport, accompanied by his wife and children, and the south was dear to him as his birthplace and early home. His health was not good, and for that reason he may at one time have believed a change of climate advisable. But rest and relaxation restored his good health to a certain extent, and in another account we read: "He had become strongly attached to Davenport with its associations of early manhood and the later years. He lived in retirement for several years on his fine estate near the city."

In the account of "Davenport's First Lawyer," in the "Democrat-Gazette" of 1889, we find:

"Against his will he once became Mayor. Against his will again he was again placed upon the bench. The first he endured for a single year—also the judgeship—then resigned the ermine as an obstacle to his rational enjoyment. To drag about from court to court, divorced from home and pleasant books and chosen friends, was to abandon comfort—to disregard enjoyments so much prized. Ambition never scourged him—his home, his quiet, studious life, his well-managed business, his abundant leisure—these were his idols. Neighborly and ever kind, generous, mindful of the poor, social within safe limits, prudent, tolerant, mild of mein, fiery in argument if prodded on too far—such in a single paragraph was Davenport's first lawyer."

In December, 1858, Judge Mitchell was called upon to go as a delegate from Scott County to a general convention at Iowa City to consider the taking of action regarding state aid to railroads.

The other delegates from Scott County were Messrs. D. N. Richardson, Ebenezer Cook, James Mackintosh, George H. French, Willard Barrows, J. C. Washburn, T. C. Eads, J. W. Churchill, and J. M. Cannon. Judge Mitchell was chosen chairman of the convention. A committee of five to memorialize the Governor to call an extra session of the legislature relative to the matter was appointed. Mr. Cook served on this committee. Upon motion, Judge Mitchell was chosen as a sixth member of the committee. The record of the proceedings of this meeting is extant. It is in the handwriting of Mr. D. N. Richardson, and from an historical point of view is most interesting.

When the bank of Cook & Sargent failed in 1859, Judge Mitchell lost \$10,000. Ebenezer Cook, senior member of the firm, and one of Judge Mitchell's good friends, was also the president of the Mississippi and Missouri railroad, which was then being built from the Mississippi to the Missouri river. The railroad had been constructed from Davenport as far as Iowa City. Owned by it was the property on either side, which had been granted by the government to encourage the building of the railroad. Mr. Cook offered Judge Mitchell ten thousand acres of this land in lieu of the ten thousand dollars he had lost in the bank failure. Judge Mitchell refused it, feeling that he already owned as much property as he could handle. Cook & Sargent made similar offers to others who had suffered similar losses, and those who accepted became enormously wealthy. This goes to show that it is difficult to determine in the early, experimental days just what will prove to be a wise investment. It is a reminder of the man who was cautious enough in the days before Davenport became the county seat to buy one lot in Davenport and one in Rockingham, not knowing which would develop the more extensively. And after all, who was to know?

CHAPTER XII.

JUDGE MITCHELL'S FAMILY AND HOME LIFE—LAST ILLNESS AND DEATH—FUNERAL SERVICES—WIDOWHOOD AND DEATH OF MRS. ROSE A. MITCHELL—JUDGE DILLON'S TRIBUTE.

From the time of his resignation from the bench Judge Mitchell lived quietly, happy with his family of young children, his home life, his friends, and his books. Judge and Mrs. Mitchell were the parents of six children, four of whom, Henry M., Anna M. E., Mary Catharine, and Martha M., died in childhood. The oldest son, Nathaniel Stephen, lived to the age of thirty-three. He left a wife and seven children, five of whom are living. He inherited brilliant gifts of mind, and while at college was considered an exceptional student in all the branches of general education. One of the professors of philosophy at the University of Notre Dame, whose term of service extended over many years, said that the young man outranked all the others who had taken this course. He was talented along artistic lines, and was an excellent musician, having a truly musicianly understanding of that art. For many years he directed the choir at St. Margaret's Church. He was a lawyer by profession.

The only living child of Judge and Mrs. Mitchell is Josephine Mary, the wife of William Joseph McCullough. Mrs. McCullough resembles closely her distinguished father in feature and coloring. She was educated at St. Mary's, Notre Dame, Indiana. She is an artist of ability. By nature she is gentle and serene, a well-poised and admirable character, possessed of all the thoroughly womanly qualities, being above and beyond all else the devoted wife and mother. Mr. and Mrs. McCullough were the parents of nine children, six of whom were living at the time the writing of this memoir was undertaken. Since that time their youngest son, Richard Dorney McCullough, aged sixteen, was claimed by death.

Of Judge Mitchell's private life "Davenport, Past and Present" says: "In regard to his everyday life—that portion of a man's life being what all are interested in knowing—we shall say much less than the excellence of the subject would admit. Wealthy, with cultivated literary taste, and a choice and ample library, he now enjoys life as only one surrounded by such circumstances can. Fresh, instructive, and engaging in his conversation, he takes a high rank as a social companion, and as one who can be instructive, amusing, and brilliant without effort." Elsewhere is stated: "He was one of the best-read men in the west. His library was the largest private library hereabouts, comprising the greatest works of philosophy and kindred subjects, history, and the general branches of learning and research." Although most of Judge Mitchell's books were sold after his death, there are still some very valuable sets in the possession of his daughter, Mrs. William J. McCullough. Among them is "The History of North American Indian Tribes," which is replete with hand-colored engravings taken from life. The portrait of Black Hawk, which appears in this work, was used in preparing all the insignia and designs for the million-dollar Hotel Black Hawk erected in Davenport this year (1915). Although his friends frequently urged him to do so, Judge Mitchell would never attempt to write on law or literature. He was extremely modest regarding his gifts of mind.

Judge and Mrs. Mitchell, as stated before, spent some time in travel, especially in the south. Judge Mitchell, a loyal Northerner by adoption, was a true son of the south. His tastes were very southern. In accordance with the best traditions of that genial land, he was very hospitable. Nothing on his table delighted him more than southern dishes.

Judge Mitchell did not take an active part in the slavery agitation. We know from his speeches while at college in Knoxville, Tennessee, that he was strongly opposed to slavery as an institu-

tion. He saw both sides of the question, however, to the extent that he argued that Southerners should not be required to relinquish their slaves without recompense, when the slave-dealers had found the trade sufficiently profitable to build the mills and factories of New England.

Judge Mitchell's last illness and death came suddenly. A stroke of apoplexy on the morning of December 6, 1865, followed by his death the evening of that day, gives the account in one sentence. The "Davenport Gazette" says of his illness: "We regret to learn that Judge Mitchell is lying very dangerously ill. He was seen on our streets on Tuesday in his usual health, but yesterday morning he was suddenly stricken with apoplexy. From the accounts we received of the Judge's condition, and the severity of the attack, we fear to encourage the hopes of his friends in his ultimate recovery. Judge Mitchell is one of our oldest and most valued citizens, and this news of his affliction and dangerous condition will carry sadness to many hearts in Scott County." Attention may be called to the fact that this article mentions Judge Mitchell's being stricken with apoplexy "yesterday morning." As he died the evening of the same day, this account of his illness was published after his death had taken place.

In accordance with Judge Mitchell's oft-expressed wish, the sacrament of baptism was administered to him on his death-bed, his old friend, Father Niermann, officiating. The funeral services were held December 8th. The impressive rites of the Catholic Church were celebrated over the remains at St. Kunigunda's Church (now St. Joseph's), the Rev. Father Pelamourgues delivering a feeling and appropriate discourse. The members of the Old Settlers' Organization attended the services in a body. Mr. C. S. Watkins, as stated in an earlier chapter, says that this organization always regarded Judge Mitchell as "the head of the family," and he was earnestly interested in their

personal prosperity. A newspaper article of the time said: "As a gentleman he was accomplished, as a citizen honorable and high-minded. His loss will be felt by his large circle of personal friends." Shortly after this, Judge John F. Dillon gave an address before the Scott County Bar as an appreciation of the life of Judge Mitchell.

Judge Mitchell's widow, Mrs. Rose A. Mitchell, survived him almost forty-two years, being twenty years younger than he. She was a woman of strong qualities, possessing a fine, brave nature. During their married life she saved her scholar-husband from many practical worries. After his death, when she assumed the care of the estate, she developed unusual business ability. She was a splendid manager of affairs and, like Judge Mitchell, was very generous. In her business relations she tempered justice with mercy. On the back of an old letter, written her regarding the transfer of a piece of land, she wrote in reply to the question as to whether deeds should be given to the two men named, "they are poor and honest, and will pay when they can."

Mrs. Mitchell was a woman of fine physique. In her younger days she was an expert horse-woman. Her hair was black and curly, heavy and long; her eyes blue as the Irish sky. Her features were strong rather than beautiful. One of the newspapers of recent years, in sketching the life of Judge Mitchell, says of his widow: "Mrs. Rose A. Mitchell lived on one of the city's most beautiful eminences, where she passed her declining years in works of secret charity and the profoundest piety." Toward the close of her long widowhood she gave little heed of the onward march of the outside world. She loved to talk of "the Judge," and her face softened and lightened beautifully when entertaining her grandchildren with these reminiscences.

After an illness of one week, she died March 23, 1907, at the home of her daughter, Mrs. William J. McCullough. Mrs. Mitchell received the last solemn rites of the church she loved so

well and served so faithfully, at the hands of the Rev. Anton Niermann, her confessor of many years. The day before her death she received the blessing of the Rev. Thomas E. Sherman, the eminent Jesuit, who was visiting in Davenport at the time. (The interest felt in Father Sherman by those who know him is naturally enhanced by the fact that he is the son of General Sherman.) Mrs. Mitchell's funeral services took place at St. Mary's Church, the requiem mass being sung by Father Niermann.

In conclusion we would say that Judge Mitchell was an important figure in the upbuilding of Davenport. The effort has been made in this work to show him as he was, engaged in many activities toward that end. Just how greatly the Davenport of today is indebted to him and to his compeers it is impossible to estimate. Added to his abilities and exceptional talents, his fine qualities and gentlemanly personality had a far-reaching influence. He was far above the mediocre, the common-place. Such men as he are rare. In the story of his life can be found nothing discreditable or ignoble. Of wonderful fineness and sensitiveness of nature, remarkably gifted of mind, and possessed of endearing qualities of heart, public-spirited, honorable, and high-minded, he stands out vividly as an incentive and an inspiration.

We shall give full value to Judge John F. Dillon's estimate by placing it last. Judge Dillon, after attaining prominence in Iowa, removed to New York, where he became one of the leading jurists in the country, being not only attorney for many of the country's large corporations, but also being the writer of works that rank as legal classics. Incidentally, Mrs. Rose A. Mitchell was always proud of her discernment in having told Judge Dillon, then the young Dr. Dillon, that he possessed every qualification for a legal career. Of Judge Mitchell, Judge Dillon says: "I entertained for him during his life the highest regard and respect, and I deeply cherish his memory and friendship. He was one of nature's noblemen."











